HISTORICAL MANUSCRIPTS COMMISSION
78

REPORT ON THE MANUSCRIPTS

of the late

REGINALD RAWDON HASTINGS, Esq.

of the Manor House,
Ashby de la Zouch

VOLUME IV

Edited by FRANCIS BICKLEY



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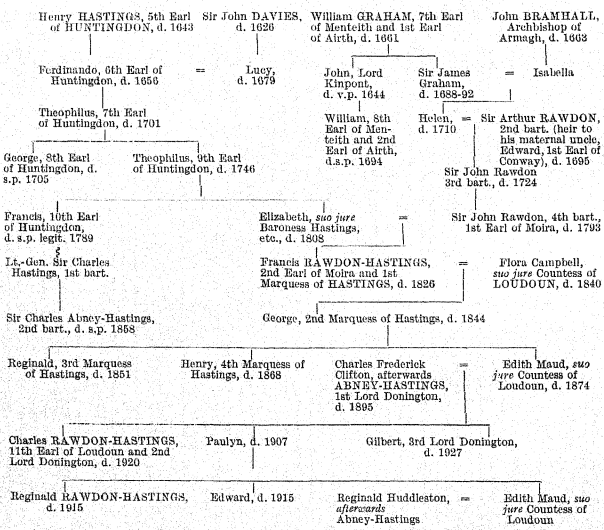
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PEDIGREE TO SHOW THE DESCENT OF THE DOCUMENTS APPEARING IN THIS REPORT.



THE HASTINGS MANUSCRIPTS.

INTRODUCTION.

WITH this volume is completed the report on the manuscripts which formerly belonged to Mr. Reginald Rawdon-Hastings of Ashby de la Zouch; passed at his death in 1915 to his sister the Countess of Loudoun; and were subsequently acquired for the Henry E. Huntington Library at San Marino, California, where they are now housed.

Containing nearly as many sectional parts as its three predecessors together,[1] the volume is something of a miscellany. It includes the residual matter with which every fortuitous accumulation of documents embarrasses classification. Nevertheless it possesses a substantial measure of homogeneity. Its period is almost exclusively the seventeenth century. The affairs of Ireland form the principal subject of nearly half its contents.

The constituent documents came together from three distinct sources. Those in sections XVI, XVII and XVIII may be described as Hastings papers proper: that is to say they are, in the main, immediately connected with the head or some other member of the family.[2]

Sections XI and XII and probably the bulk of section XV represent the marriage of Lucy, daughter and heiress of Sir John Davies, Solicitor and Attorney General for Ireland in the reign of James I, with Ferdinando, Lord Hastings, subsequently sixth Earl of Huntingdon; who on Davies's death inherited his papers, which thereafter followed the same descent as those coming to him from his ancestors.[3]

(1) The list of sections given in the Introduction to Vol. I consisted of eighteen items. As will be seen from the Table of Contents at the beginning of the present volume a nineteenth has since been added.

(2) This is true even of the tracts by Lady Eleanor Douglas catalogued in section xviii (pp. 343-346); for although Lady Eleanor had been the wife of Sir John Davies (see below, p. xii) Sir John had been dead a good many years when the earliest of the tracts was published and no doubt the copies here described were given by the author to her daughter the Countess of Huntingdon.

(3) But see below, p. vi.

The manuscripts comprised in sections XIII, XIV and XIX had a longer road to travel; for the connection of John Bramhall, Bishop of Derry and Archbishop of Armagh, with the Hastings family was more remote than that of Sir John Davies. With a son who was created a baronet but died without issue in 1667, four years after his father, Bramhall had three daughters who on their brother's death became his coheiresses. The eldest, Isabella, was the second wife of Sir James Graham, younger son of William, seventh Earl of Menteith and first Earl of Airth,[1] and bore him a daughter, Helen, her only child; who, after more ambitious plans for her future had come to nothing,[2] was given in marriage to Arthur Rawdon, son of Sir George Rawdon of Moira, co. Down, first baronet, whom he succeeded in the baronetcy. The grandson of this union, Sir John Rawdon, fourth baronet, was created successively Lord Rawdon of Moira and Earl of Moira in the peerage of Ireland and took as his third wife the Lady Elizabeth Hastings, eldest daughter of the ninth Earl of Huntingdon and heir general to her brother the tenth earl; on whose death without legitimate issue (when the earldom of Huntingdon became dormant) she inherited the ancient Hastings baronies of Botreaux, Hungerford, Moleyns, Hastings of Hastings and Hastings of Hungerford. Her elder son, Francis, who (his father's earlier alliances having produced no male issue) succeeded as second Earl of Moira, assumed the additional name of Hastings in accordance with the terms of his uncle's will, under which he was the principal legatee, and was subsequently created Marquess of Hastings. He married the *suo jure* Countess of Loudoun and the manuscripts which he had inherited from his maternal uncle descended with his wife's peerage to their late owner, the present Countess of Loudoun.[3]

XI. *Correspondence of Sir John Davies, Solicitor General for Ireland, 1603-1606, and Attorney General for Ireland, 1606-1619.* —This is but the remnant of a much larger collection. The bulk of Davies's papers were given by the ninth Earl of Huntingdon, his great-grandson, to Thomas Carte the historian and are with the other Carte manuscripts in the Bodleian Library.[4] None of those which were retained was written by Davies himself[5]

(1) Hence the presence in the collection of section xix.

(2) See below, pp. xlvii-li, 379-393.

(3) Cf. Vol. I, pp. xv, xvi. Correspondence of Sir George and Sir Arthur Rawdon has been published in Vol. II, and of Lady Moira, her father, her brother, her son and other members of her family in Vol. III. A brief account of Hastings and Rawdon documents in the collection of the Earl of Granard at Castle Forbes, co. Longford, including extracts from letters of Elizabeth, Countess of Moira, the tenth Earl of Huntingdon and the second Earl of Moira, were printed in *Hist. MSS. Comm., 3rd Rep., App.*, pp. 430, 431.

(4) See *3rd Report of the Deputy Keeper of Public Records*, pt. i, p. 23; *Cal. S.P. Ireland*, 1603-1606, pp. lxii *et seqq.*

(5) A few letters from Davies to the fifth Earl of Huntingdon, written after Davies had left Ireland for good, were printed in Vol. II of this report.

and of those addressed to him the majority are of a private nature.

Many of Davies's official letters are among the Irish State Papers in the Public Record Office and are summarised in the *Calendar*. Some of those addressed to the Earl of Salisbury as Secretary of State are given in full in the "memorial introduction" to *The Complete Prose Works of Sir John Davies* edited by the Rev. Alexander B. Grosart (1876), in the second volume of which are included four papers of "Observations," also addressed to Salisbury, describing conditions in various parts of Ireland as the writer found them on a series of journeys which he made as commissioner of assize.(1) It was obviously the receipt of one of these papers which called forth the complimentary phrases in the letter from Salisbury printed below (p. 2). As Bagwell said, Sir John's "power of observation and description were unusually great."

This was only natural, for he was no less distinguished as man of letters than as lawyer or politician. It was with his poetry, indeed, that he first made his mark. *Orchestra*, a "poem of dancing," gave pleasure to Queen Elizabeth, who was notoriously proud of her own proficiency in that exercise. *Nosce Teipsum*, which treats of the immortality of the soul, won the approval of her more philosophical successor. Shortly after his accession to the throne of England James appointed the author, who had ridden with the commissioners sent north to welcome him, his Solicitor General for Ireland.

Davies, who had been called to the bar in 1595 and returned to Parliament as member for Corfe Castle in 1601, proved himself a capable and energetic official.(2) To bring Ireland to religious uniformity was the special object of his care, and it was on his advice that drastic measures were taken against Roman Catholic priests and recusants. He also played an important part in the settlement of Ulster, from which he reaped substantial personal benefit—though not, it seems, to the measure of his hopes (p. 5.)(3)

His friends evidently thought him destined to rapid advancement. He had arrived in Dublin in November, 1603, and in the following February one of them, who would appear to have tried to keep him in England, was already writing: "I am very glad my dissuasive letters . . . took no other effect than they did, especially since things sort so well with you there as I

(1) Grosart misdated two of these papers. The first belongs to 1606, not to 1604-5; the fourth to Nov. 8, not May 10, 1610. The second and third, of May 4 and Nov. 12, 1606, are printed verbatim in *Cal. S.P. Ireland*, 1603-1606, p. 463, and 1606-1610, p. 14. For Davies's journeys see also Bagwell, *Ireland under the Stuarts*, i, chap. vi.

(2) There is an interesting study of his public career in C. Litton Falkiner's *Essays Relating to Irish History* (1909), pp. 32-55.

(3) For Davies's holdings, and for details of his activities in this connection, see *An Historical Account of the Plantation of Ulster* by the Rev. George Hill (1877) and *The Birth of Ulster* by Cyril Falls (1936). See also below, pp. 168, 180.

understand they do, and are likely to increase daily, if it be true which I hear, that your brass shall be turned into silver" (p. 1.)[1] It was not until May, 1606, however, that Davies received promotion: he then succeeded Sir Charles Calthorpe as Irish Attorney General.[2] During a visit to England on the business of the Ulster plantation, a visit which lasted from the autumn of 1608 to the late spring of 1609, he was created a serjeant at law, and when Parliament, to which he had been returned as member for Fermanagh, met in Dublin in May, 1613—the first Irish Parliament since 1586—he was, though not without considerable and even violent opposition, elected Speaker of the House of Commons. His election for Fermanagh was also unsuccessfully challenged. His zeal had made him many enemies.[3]

By now he had long been weary of Ireland and had more than once begged to be recalled. His removal from the attorneyship was apparently being mooted as early as October, 1612 (p. 8), and in May, 1617, Sir Robert Jacob, his successor as Solicitor, who coveted the senior office (*ib.*), believed that had Davies been on the spot his "credit with the King would have carried the [English] Solicitor's place" against Thomas Coventry, who had "got it by means of the great favourite of the time"—George Villiers—"without the allowance (or rather against the will) of the Lord Keeper" (p. 16)—Bacon—who was hostile to Coventry because Coke supported him. But Davies, his wishes no doubt frustrated by the very value of his work in Ireland, was not to return permanently to his native country until 1619.[4] Nor, though as Member of Parliament for Newcastle-under-Lyme he continued zealous in support of the Crown, were his services rewarded with any high office in England until seven years later, when he was appointed to the chief justiceship of the King's Bench. He died on the day

(1) In the final phrase may perhaps be discovered a reference to the currency question, which, owing to the debasement of the Irish silver coinage, was at that time causing the government a good deal of trouble. It was a matter on which "the Solicitor-General could speak feelingly, his fees on all pardons"—which the King had lately been distributing with a lavish hand—"being paid in copper." Bagwell, *op. cit.*, i, 14. As to the pardons, see below, pp. xii, xiii.

(2) In January, 1606, Calthorpe had written to Salisbury: "There has been and is a plotting by Mr. Solicitor Davies's friends to prefer him to my place, and that I should be removed to be some second judge, with an augmentation of my fee, without any assurance thereof or my consent thereunto. And yet I am so far contented to hold a correspondency with him for his Majesty's service as I admit that nothing shall pass without his hand and mine together, so as he enjoys thereby the half of the perquisites of my place, which now, by reason of the general peace here, begin to be of some value." *Salisbury MSS.* (Hist. MSS. Comm.), xviii, 5.

(3) Bagwell, *op. cit.*, i, 112-115, 118. Between his return to Ireland and his election to Parliament Davies found time to write *A Discoverie of the True Causes why Ireland was never entirely subdued, nor brought under Obedience of the Crowne of England, untill the Beginning of his Majesties happie Raigne.* It was published in London in 1612. Litton Falkiner, in the essay already referred to, calls it "this great historical treatise."

(4) Litton Falkiner describes his career as an Irish law officer as being "of almost unexampled duration and of quite unrivalled importance."

on which he should have entered on the exercise of his new functions.

The letters here printed throw only an occasional and reflected light on Davies's official activities. Some of them touch but casually on matters of public concern. None, however, is altogether without historical interest. The first two contain references to the plague, of which a very serious outbreak coincided with the accession of King James. William Ravenscrofte wrote in February, 1604, that it was, "God be praised, well abated, under 100 of all diseases" (p. 1); but he must have been referring to London only and the bills of mortality, for Egremont Thynne, somewhere about the same time, reported that in other places, particularly in the West, it was still rife—as it was in Dublin (p. 2).

Salisbury's letter (p. 2) commending Davies's activity and probably written in November, 1606, has already been mentioned. One kind of problem with which the Attorney General had to deal is illustrated by the "true copy," sent to him by the writer, of a sternly admonitory epistle addressed in May, 1608, by Sir Thomas Ridgeway, Treasurer at Wars, to Sir Niall Garv O'Donnell (p. 3), who, while professing loyalty to and seeking the protection of the government, was intriguing with the rebel Sir Cahir O'Dogherty. Within a few weeks of the writing of this letter O'Dogherty was dead[1] and Niall Garv a prisoner in Dublin Castle (p. 5). He was brought to trial in July, 1609, but Davies could not get an Irish jury to convict him. So he was sent to London and the Tower, where he died in 1626.

The King's intention to summon an Irish Parliament, mooted as early as February, 1604,[2] was declared in 1611. It was an intention found not altogether easy to put into effect; and the meeting which had been planned to take place in November, 1612, was postponed first to February and then to May in the following year. Since no Parliament had sat in Dublin for more than a quarter of a century precedents for procedure had to be unearthed and examined. There was, for instance, the nice question whether the Oath of Supremacy should be administered to members. This it was decided to dispense with, "there being no law in Ireland by which the members could be compelled to take it."[3] More important was the business of securing a majority for the government's policy in a country fundamentally hostile to it. One method adopted was the extensive creation of new boroughs—thirty-nine in all, of which nineteen were in Ulster—and Chichester, the Lord Deputy, writing to Davies, who was once more in England, in August, 1612, complained of the "difficulties and uncertainties" which, owing mainly to the prevalence of recusancy in many of the towns named for charters, this step

(1) For depositions relating to O'Dogherty's rebellion see below, pp. 156-159.
(2) *Cal. S.P. Ireland*, 1603-1606, p. 146.
(3) Bagwell, *op. cit.*, i, 110.

involved. He was not, in fact, very hopeful that any benefit would be derived from what virtually amounted to a constitutional experiment. "I wish we might carry it and prevail," he wrote, "in the matters to be handled in this Parliament as is behoveful for his Majesty's service and good of the kingdom, but I doubt there will be great opposition to all that is good" (p. 6).

That the House of Lords, in which the bishops would constitute a powerful element, would be sound for the government it might have seemed reasonable to assume. The Solicitor General, Sir Robert Jacob, thought otherwise. Disputing the validity of the titles of three barons to whom writs of summons had been issued he gave it as his opinion that there were "too many Irish lords already . . For the noblemen and gentlemen begin to be oppressors and endeavour to draw the dependency of the people upon them, as the Irish lords of countries formerly did ; which course, if it be not interrupted, will be the overthrow of the commonwealth " (p. 13). Nor, he considered, were the lords spiritual any more to be depended on than the lords temporal. A practice which the government had introduced into earlier parliaments for its own advantage was likely now to operate in the opposite sense : the peers had been allowed to give their votes privately to the Lord Chancellor and had thus been enabled to support the government without incurring the odium of so doing. This, as Jacob pointed out, was "merely against the law" and he feared its consequences in the new Parliament. "For I think there are divers bishops, which durst not openly oppose the proceedings of the state, and yet privately in the Lord Chancellor's ear will not stick to give us a blow, presuming that we shall never know who hurt us" (*ib.*). The pessimism of the Lord Deputy and the Solicitor General was on the whole justified in the event.(1)

Jacob, whose aspiration to a higher office than the Irish solicitorship was not destined to be satisfied, had a propensity to elaborate his views on the conduct of public affairs. Evidence of this is to be found in three long letters which he wrote between October, 1612, and February, 1614. Their addresses have not been preserved but the recipient of the first two, at any rate, was probably the Earl of Northampton, then First Commissioner of the Treasury in England. In the earliest the writer expounds a "project for diminishing the King's expenses in Ireland," chiefly by shifting the burden of maintaining the army there from the Crown to the people (p. 7), and in the second, of which the original covers twenty pages, he develops the complementary theme of the "means of improving the King's revenue in Ireland" (pp. 8-10).

That matter disposed of he passes to "some other things that concern the good of the commonwealth." It was being said

(1) For the history of this Parliament see Bagwell, *op. cit.*, i, 108-138.

that when the Parliament (which had not yet met) should come to an end the King would appoint a new Lord Deputy; as in fact he did, though the occasion did not arise until more than two years later. Jacob approved this intention, as he thought it "inconvenient that any Deputy should continue here above two years, or three at the most" (p. 10): Chichester, it may be noted, was already in his ninth year of office. The particular qualities which, in the writer's opinion, a Lord Deputy should possess are described in what is in effect a little essay something after the manner of those Theophrastean "characters" which about this time were becoming a literary fashion (p. 11). Few of the requirements enumerated were answered by Chichester's eventual successor, Sir Oliver St. John.

From the head of the State Jacob turns to the head of the Church. Henry Ussher, Archbishop of Armagh and Primate of Ireland, was lately dead and the writer recommends that Bishop Hampton of Derry, who "has gained the opinion of a reverend wise prelate, a good divine, and an exceeding honest man," should be appointed in his place. In this instance his views coincided with, if they did not influence, those of authority: Hampton was given the archbishopric. His fitness for it, if Jacob is to be believed, was exceptional; for the Irish bishops in general were unworthy of their calling. "They cry out in the pulpits against covetous patrons, that they rob the churches; but the truth is, the clergy themselves are the only church-robbers; for, what to pay the fine for their income and to leave an estate to their wives and children, they pill the church so bare that they leave almost nothing for their successor." A point in Hampton's favour, besides his innate virtues, was that he was unmarried. Episcopal rapacity had frustrated "the pious and religious intention of his sacred Majesty," who had given so much of his own land to the churches of Ireland. On the late Primate's offences under this head Jacob is particularly severe (pp. 11, 12). The rest of this enormous, sententious but illuminating epistle is occupied with the observations on the Irish peers and their probable policy in the coming Parliament from which quotation has already been made.

The third of the Solicitor's letters, written while he was on circuit in Ulster, consists, after a description of the seditious proceedings of some Popish priests in county Cavan, of propositions for the remedy of abuses in army and church, for greater severity towards recusants, traitors, woodkernes and the Irishry in general, and for other reforms with the execution of which the King was to charge the Lord Deputy (pp. 14-16).

The last letter in the section is also Jacob's but written in a more intimate vein. Addressed to Davies from London in May, 1617, it gives a lively account of Bacon's magnificent progress to Westminster Hall on his assumption of the office of Lord Keeper. It concludes with news of Davies's wife and of his son Jack, a mute from birth and of defective intellect,

who, Jacob thinks, if he "were now put into the hands of some skilful man . . might be brought to speak. For he is wonderfully mended in his understanding of late, for he understands anything that is spoken to him without making any signs, so as it is certain he hath his hearing" (p. 17). These optimistic prognostications were not destined to fulfilment: it was not long after their date that the afflicted youth met his death by drowning and his sister Lucy, the future Countess of Huntingdon, became Sir John's sole heir.

As for Davies's wife—Eleanor Touchet, daughter of George, eleventh Lord Audley and first Earl of Castlehaven, and after her first husband's death the wife of Sir Archibald Douglas—she was a remarkable and in her day a notorious woman, the victim of a species of religious mania and much given to prophecy. Her extravagances of word and behaviour brought her twice into trouble with the Court of High Commission and once to the Tower.(1) Her writings (see below, pp. 343-346) are among the minor curiosities of English literature. How she was regarded by the family of her daughter's husband may be gathered from letters printed in the second volume of this report (pp. 80, 81), where reasons were given (p. vi) why none of her own was included, though there are a good many in the collection.

It may be that both Lady Eleanor's vagaries and her son's deficiencies were the result of inherited tendencies. Her father's letters (pp. 5, 14) might be held to indicate a mind imperfectly balanced. His request to be allotted 100,000 acres in the plantation of Tyrone, though loyally supported by his son-in-law, was not without reason regarded by Chichester as preposterous; and when he was eventually granted 3,000 acres for himself and 2,000 for each of his two sons, these comparatively small holdings were neglected.(2) The infamies which brought his elder son to the scaffold are recorded in the *State Trials*.

XII. *Warrants, petitions, etc., relating to Ireland:* 1604-1618; 1634.—Most of the documents summarised in this section are warrants to the law officers of Ireland from the Lords Deputies who were governing the country while Davies was Solicitor and Attorney—successively Sir George Carey, Sir Arthur Chichester (Lord Chichester) and Sir Oliver St. John (afterwards first Viscount Grandison)—to make out *fiants* for grants of various kinds, comprising pardons, offices, pensions, lands, licences, incorporations, fairs and markets.

The pardons form the largest class. In the early years of his

(1) See *Cal. S.P. Dom.*, 1640-1641, pp. 21, 378; W. H. Hutton, *The English Church from the Accession of Charles I to the Death of Anne*, p. 71. There is an account of Lady Eleanor in George Ballard's *Memoirs of Several Ladies of Great Britain, who have been celebrated for their writings or skill in the learned languages, arts and sciences* (1752).

(2) See Bagwell, *op. cit.*, i, 75, 76; below, p. 180.

reign, as already mentioned, King James was very generous in their distribution; and a single warrant will often cover a long list of beneficiaries. For the most part these were obscure native Irishmen: "mean men" (p. 29) "guilty of small crimes" (p. 36), of whom it may be conjectured that the majority had been in some way implicated in the rebellious movements of the time. But they also include John Rider, Archdeacon of Meath and afterwards Bishop of Killaloe, "with a pardon of all intrusions and alienations without licence" (p. 24), Thomas Crooke of Baltimore (p. 29),[1] and Sir Moyses Hill, Provost Marshal of Ulster, "because in strictness of law he may be questioned for the execution of offenders by martial law, notwithstanding his Highness's commission authorizing him thereunto" (p. 48).

The preparations for the Parliament are reflected in the charters of incorporation or reincorporation granted to Derry (p. 18), Inistioge (p. 30), Gowran (p. 32), Clonmel (p. 33), Kilkenny (p. 34), Youghal (p. 38) and Newcastle (p. 42), and in the appointment of William Bradley in May, 1608, five years before the Parliament met, to the clerkship of the Lower House (p. 31). Bradley, who was Sir John Davies's agent in Ulster, was sent to England on the business of discovering precedents "and brought back a commission which enabled Chichester to decide all questions of procedure."[2] He was also, jointly with William Crowe, made Custos Brevium, Chirographer and Clerk of the King's Silver in the Court of Common Pleas: of which offices he and his colleague received a new patent in 1610 (p. 39).

There are several grants of commercial interest. John Bearford of Kilrowe was licensed to keep a tannery in that place (p. 22); George Baddelye, a London merchant, to sow oil-seeds and make oils, soap ashes and soap anywhere in Ireland, and to sell those commodities there or elsewhere (p. 48); Jasper Hurleston and Martyn Flemming of Drogheda to sell wines and to make and sell *aqua vitae* (p. 49). Another warrant relating to *aqua vitae* is for a grant, on the ground that the manufacture of the spirit had become "too common to the great hindrance of the commonwealth and the waste of much corn," of a lease for seven years to Sir Thomas Phillips that no one should make it within county Coleraine and the Route in county Antrim unless nominated by Phillips and allowed by the Lord Deputy (p. 29). Sir Hugh Pollard was accorded the imposition on tobacco and tobacco pipes (p. 41) and Matthew Collyns a lease of all customs, penalties and forfeitures accruing to the King for any vessels of other lands coming to fish off the Irish coasts (p. 31).

Grants of fairs and markets were made to the Archbishops of Armagh (p. 46) and Tuam (p. 51), the Bishop of Down (p. 50)

(1) For whose story see Bagwell, *op. cit.*, i, 102, 103.
(2) See above, p. ix, and Bagwell, *op. cit.*, i, 108.

and the Earl of Kildare (p. 29). Similar grants to less exalted folk disclose how these privileges were among the means designed to bring the Irish into conformity with English custom. Thus Dermot O'Dwire, chief lord of the country of Kilnemanagh, was to surrender his lands and seignories to the King and have them regranted to him to hold by English tenure "and thereby to reduce his country, being all Irish, to civility"—the best means to which end was "to have the true use and the execution of the common law which is wanting there, because there is neither court leet nor court baron nor any fair or market" (p. 25); while Captains John Bourchier and Francis Cooke were to have a fair and market in the precincts of Orier, co. Armagh, because the Lord Deputy and the Commissioners held it "to be a principal mean to draw commerce among that people in a short time and plant civility there, by reducing the natives thereof from their Irish customs into conformity of life" (p. 39).

There is an echo of recent rebellion in the grant to Sir Thomas Ridgeway, Treasurer at Wars in Ireland (afterwards created Lord Ridgeway and Earl of Londonderry), of the lands in county Monaghan which had come into the King's hands by the forfeiture or killing in rebellion of Brian McSavaghe McMahonne (p. 36), an adherent of Sir Cahir O'Doherty (cf. pp. 156-159).

New offices were set up when Sir George Keare was appointed Public Register of all Births, Baptisms, Marriages and Deaths in Ireland (p. 46) and the Archbishop of Armagh became King's Almoner (p. 47).

The petitions include one from Theobald (Tibbott), self-styled Lord Bourke of Castle Connell (subsequently created Lord Bourke of Brittas), for an inquiry after the deaths of his two brothers (p. 40), who had been killed at Ballynecargy, co. Limerick, when fighting against the rebels stirred up by Tyrone[1]; and one from James Spottiswood, Bishop of Clogher, for restoration of the island of Devenish in Lough Erne, granted by the King to his predecessor but taken from him by Sir John Davies and now (1634) in the possession of Lord Hastings (Davies's son-in-law) and his agents (p. 53).

XIII. *Correspondence of John Bramhall, Bishop of Derry, 1634–1660, and Archbishop of Armagh, 1660–1663.*—How the documents in this and the following section came into the Hastings archives has already been explained. As with the Davies correspondence, a number of letters which were originally among them have gone astray. The loss in this case is probably not so extensive as in the former: on the other hand, while the separated Davies papers are still accessible, the whereabouts of those which belonged to the present series, or whether they still exist, is apparently undiscoverable. If the originals have

(1) Bourke was one of the lords whose claims to writs of summons to Parliament were disputed by Sir Robert Jacob. See above, p. x, and below, p. 13.

disappeared, however, their contents, or some of them, survive in print.

In the year 1819 was published a volume of some 400 octavo pages entitled *The Rawdon Papers*, "consisting," to quote the title-page, "of letters on various subjects, literary, political, and ecclesiastical, to and from Dr. John Bramhall, Primate of Ireland. . . Faithfully printed from the originals." The editor, the Rev. Edward Berwick, who had made some stir in his youth by his spirited opposition to an authoritarian Provost of Trinity College, Dublin, was "for many years domestic chaplain to the late Earl of Moira, and chaplain to the present Marquis of Hastings, Governor General of India." In his "advertisement" he describes the contents of his book as "a small part of a correspondence which was left in the editor's hands, after the greater portion had been sent several years before to the Marquis of Hastings, whose absence [in India] at this time prevents the Editor's making such additions to his stock as might render it more interesting to the publick." What eventually happened to these papers is unknown, but it is clear that they never passed into the hands of their rightful owner; for not one of them was found among those which his descendants inherited.(1) Considerably less than half of them relate to Bramhall but these include a number of letters from Wentworth (Strafford), of which there is none in the present series. The greater part of the volume consists of letters addressed to Sir George and Sir Arthur Rawdon, the first and second baronets.

The correspondence here printed starts almost immediately after Bramhall's arrival in Ireland, as chaplain to Wentworth, who had himself just taken up residence as Lord Deputy, in the summer of 1633. It is opened by Laud, who, with Bramhall himself, is for seven years its predominant figure. Its predominant theme is the Laudian policy in its application to the Church of Ireland.

With that policy Bramhall was in complete accord. Voluntarily foregoing the certain prospect of preferment in England, where, though he had early made his mark as controversialist and disciplinarian, he had held no higher office than the subdeanery of Ripon, he seems to have regarded it as his mission in life to set the Irish Church in order, to bring it into greater conformity with the Church of England and to improve the status of its bishops and the condition of its lower clergy. He became at once Laud's agent and Wentworth's right hand

(1) The date of Berwick's death is nowhere recorded. The *Dictionary of National Biography* gives the year of his birth as 1750 but according to *Alumni Dublinenses* he was sixteen when he was admitted to Trinity College in 1770. Whichever statement is correct, he was an elderly man when he edited the *Rawdon Papers* and may have died not long afterwards, the manuscripts still in his possession. The memoir of the Rawdon family which he said in his "advertisement" would "shortly be prepared, and given to the Publick, so as to bind up with these papers" never made its appearance. Probably he did not live to complete it. There is no evidence that he was married, or that he left any heirs.

in matters ecclesiastical; and from the first he adopted a tone of authority. His letters, were there no other evidence, would show him to have been a man of firm and forceful character, impelled perhaps more by principle than by personal ambition but destined and disposed to occupy a position of power.(1)

Promotion was not long in coming to him. In August, 1633, he was appointed Treasurer of Christ Church, Dublin, and in October Archdeacon of Meath. In the following May he was consecrated Bishop of Derry.(2) He was then not quite forty and Laud apologized to Wentworth for having broken his own rule that no man under that age should be raised to the episcopal bench.(3)

His further advancement was by the course of events to be long delayed. But he was soon recognised as the virtual head of the Irish Church. The Primate, James Ussher, who was far from subscribing to every tenet of Laud's policy, turned reluctantly from the practices of devotion and scholarship to an active participation in ecclesiastical and political affairs. He might sometimes exercise a moderating influence on their progress, but he lacked the vigour to make his own more liberal views prevail. Cromwell's description of Bramhall as the Irish Canterbury was not unjustified.

Laud's letter of August 16 (p. 55) is in answer to one from Bramhall written six days earlier, in which, at the Lord Deputy's request, he reported at some length on the present condition of the churches, the clergy and the ecclesiastical revenues, as also on the steps which Wentworth was taking to remedy a deplorable state of affairs.(4) Considering that both the Deputy and his chaplain had been in Ireland less than three weeks this document is remarkable for its scope and detail. It shows how little time had been lost in getting to work. Laud was duly appreciative but in his reference to the use of a Dublin church as the Lord Deputy's stable there appears to be a little

(1) For some modern estimates of Bramhall's character see Lady Burghclere's *Life of James, first Duke of Ormonde* (i, 100) and her *Strafford* (i, 235) and H. R. Trevor-Roper's *Archbishop Laud* (p. 241). These writers are agreed that Bramhall was efficient but unamiable and lacking in humanity. Lady Burghclere, who describes him as "a human battering-ram," thinks that "he was rather fitted for secular than spiritual office." In their contributions to the *History of the Church of Ireland*, edited by Dr. Walter Alison Phillips, both Dr. G. V. Jourdan and Dr. R. H. Murray take a more favourable view. Dr. Jourdan praises Bramhall's justice and courage and calls him the glory of the Church of Ireland "for conscientious devotion to her interests." Dr. Murray commends his tolerance. *Op. cit.*, iii, 26, 57, 123. *Archbishop Bramhall* by William John Sparrow Simpson (1927) is a sympathetic study of Bramhall as a theologian.

(2) Cotton, *Fasti Ecclesiae Hibernicae*, ii, 61; iii, 128, 317. He received a second presentation to the archdeaconry in March, 1634, and appears to have been formally admitted in that month. See below, p. 57.

(3) Knowler, *The Earl of Strafforde's Letters and Dispatches*, i, 255.

(4) The original letter is among the Irish State Papers and is summarised in *Cal. S.P. Ireland*, 1633-1647, p. 16. There is another summary, made from a copy, in *Cal. S.P. Dom.*, 1633-1634, p. 179. The letter is printed in full in Bramhall's *Works* (Library of Anglo-Catholic Theology), i, lxxix, and has often been quoted by historians.

gibe at Wentworth's expense. This particular abuse seems specially to have shocked the bishop: its correction is the first item in a list of agenda relating to Church affairs which he sent to Wentworth probably about the end of September.[1]

There is nothing further until February, 1634, when Bramhall was offering Laud belated congratulations on his elevation to the primacy (p. 56)—or, as the archbishop himself phrased it, his "remove from one great trouble to a greater" (*ib.*)—but from that date onward the two churchmen were in regular and fairly frequent communication down to the end of the fatal year 1640. Bramhall had the habit, which he seems later to have abandoned, of keeping drafts of his letters, so that both sides of the correspondence are represented; and while it is obviously incomplete, what is missing here may often be found among the Irish State Papers.[2] The two series, therefore, can most profitably be studied together.

The letter which Bramhall wrote to Laud on February 19, 1634 (p. 56), shows him actively participating in the assault which Wentworth was making on the position of the "great" Earl of Cork, the powerful and wealthy Lord Treasurer. The proceedings relating to the see of Lismore and the College of Youghal, which the earl held at almost nominal rents from his cousins, Michael Boyle, Bishop of Waterford, and Richard Boyle, Bishop of Cork, respectively, have occupied the attention of many historians[3] and, since the references to them in these papers (pp. 71, 74-76) are few and slight and add little to previous knowledge, they need be no more than mentioned. The allusion to the Bishop of Waterford's debt for 50*l.*, on the other hand, may require a word of explanation. It was due to St. John's College, Oxford, on a bond given by Michael Boyle when he was made a fellow, and Laud, who had at that time been President of the college, was evidently impatient for its repayment (pp. 56, 57).[4] He had a very poor opinion of Boyle's honesty. "When he lived in the college," he told Wentworth, "he would have done anything or sold any man for sixpence."[5] The debt, however, was eventually paid (pp. 60, 61).

In March Bramhall went into Meath, where he was admitted to his archdeaconry. Thence he travelled to Parsonstown in King's County, into Ormond in Tipperary and to Killaloe in Clare. From that town he sent Wentworth, at whose request, no doubt in view of the projected Munster plantation,

(1) *Cal. S.P. Ireland*, 1633-1647, p. 20.

(2) On the other hand there are drafts in this collection of which the originals are not among the State Papers.

(3) E.g., Jourdan in *History of the Church of Ireland*, iii, 42-46; Bagwell, *op. cit.*, i, 269-271; Townshend, *Life and Letters of the Great Earl of Cork*, chap. xvi; Burghclere, *Strafford*, i, 321-327.

(4) Cf. *Cal. S.P. Ireland*, 1633-1647, p. 21. The sum is there given as 30*l.* It appears from later letters here printed that the bishop actually paid 40*l.* (pp. 60-61).

(5) Quoted in Bagwell, *op. cit.*, i, 269. "Whilst Richard Boyle, Bishop of Cork, had some claims to be considered a man of honour," writes Dr. Jourdan, "Michael Boyle, Bishop of Waterford, had not." *Op. cit.*, iii, 42.

he had made the journey, a letter describing the state and possibilities of the country and the condition of the clergy there. Incidentally he obtained for himself a parsonage worth at least 120*l.* a year (pp. 57-59).[1] By the date of his next letter, in which, with evident satisfaction, he reported a quarrel between the Franciscans and the Jesuits at Limerick (p. 60), he had been elected Bishop of Derry; and when he wrote again, in August, 1634, Parliament and Convocation were in session and, as a member of both bodies, he was able to apply himself effectively to the reforms which he had so much at heart.

These fell into two categories according as the temporalities of the Church or its doctrine and discipline were involved. To the first belonged the restoration to the clergy of the revenues alienated by impropriation and the limitation of the length of leases of Church lands; to the second the revision of the articles of religion and the book of canons with the object of bringing the Irish usage into closer conformity with the English. The first was the affair of Parliament; the second lay within the province of Convocation.

Before the Parliament had met on July 14 a good deal had already been done in the matter of the impropriations. It was a matter in which the new Lord Deputy was keenly interested and it undoubtedly called for attention and action. In the course of years an enormous amount of ecclesiastical property had passed into the hands of laymen, and the rents which they paid the clergy for it were usually far below its value, so that sees and parishes were alike impoverished. This was the abuse which had moved Sir Robert Jacob to indignation a generation earlier (p. 12); and it was one which Wentworth, Laud and Bramhall were determined to remedy. They had an ally in the King, who willingly surrendered the impropriations vested in the Crown[2]; and many private holders, seeing which way the wind was blowing from both Whitehall and Dublin Castle, were ready to make a like surrender on reasonable composition (cf. pp. 60, 63).

In this business the Bishop of Derry played an energetic and efficient part. Against the view of the English Attorney General he early came to the conclusion that parliamentary sanction was necessary to give validity to the proposed restitutions (pp. 56, 57). For the relevant measures which were passed in the Parliament of 1634 he was chiefly responsible. The most important of those Acts were: for the maintenance and execution of pious uses; to enable restitution of impropriations and tithes and other rights ecclesiastical to the clergy, with a restraint of aliening the same; and for the preservation of the inheritance, rights and profits of lands belonging to the

(1) For an explanation of the rather obscure passage in this letter relating to the title of Sir Daniel O'Brien to certain lands see Trevor-Roper, *Archbishop Laud*, p. 243.

(2) Cf. *Cal. S.P. Ireland*, 1633-1647, pp. 96-98, 103,

Church and persons ecclesiastical.[1] One provision of the last was the restriction of leases of Church lands, with certain exceptions[2], to a term of twenty-one years. How successful were Bramhall's endeavours is shown by the fact that within the space of four years the annual value of Church property in Ireland had been improved by some 30,000*l.*[3] Moreover he not only got the measures which he wanted through the Parliament; he was able to contrive the defeat of those of which he disapproved (pp. 61, 62).

In Convocation he was equally successful. Since 1615 a body of articles, 104 in number, had been in force in Ireland. Some of these, of which Ussher was almost certainly the author, were tinctured with Calvinism, and on that account, as also because of his passion for uniformity, Laud aimed at getting them replaced by the thirty-nine English articles. To this there was some opposition, notably, as was natural, from the Irish Primate. An apparent compromise was reached, but it was in reality an Anglican victory. While the English articles were adopted, the Irish were not abrogated. But they became a dead letter. Subscription to them was not only not insisted on; it was discouraged. To refuse subscription to the English articles was to incur the penalty of excommunication.[4]

With regard to the canons also there was a compromise. But here again the champions of uniformity got their way in essentials. A separate Irish book was drawn up, Bramhall having the main hand in the drafting (pp. 61, 62), but it did not differ materially from the English book. The principal innovation was the canon, adopted in spite of Bramhall's opposition, which provided for the use of the Irish language in divine service where the congregation was largely Irish-speaking. Laud expressed grudging satisfaction with what had been accomplished. "God bless your free Church of Ireland," he wrote, "though for my part I do not think the canons of the Church of England would have shot any freedom of it. And howsoever, it is better having them materially and in substance with peace, than formally with heart burning among yourselves. And little hurt can come by this alteration, and with it there will be some good" (p. 67). In the same letter, and not for the first time, Laud exhorts Bramhall to deal gently with Ussher. It is clear that the Bishop of Derry considered his fealty due rather to Canterbury than to Armagh.

While the negotiations over impropriations and leases, articles and canons were going forward Bramhall was also interesting himself on Laud's behalf in the affairs of Trinity

(1) *Statutes at Large* (*Ireland*), ii, 92, 136, 142. See also *History of the Church of Ireland*, iii, 22, 26.

(2) The Ulster bishops, for a period of five years, were permitted to grant leases for sixty years. See pp. 63, 65 and cf. *Cal. S.P. Ireland*, 1633-1647, p. 96.

(3) *History of the Church of Ireland*, iii, 28; also pp. 426, 427.

(4) *Ibid.*, iii, 20, 21; Burghclere, *Strafford*, i, 299-303; Bagwell, *op. cit.*, i, 228, 229. Bagwell stresses the vigorous part which Wentworth played in the business.

College, Dublin, of which the Archbishop of Canterbury had lately become Chancellor. Here also a policy of anglicisation was being pursued. The new Provost, William Chappell, whose election Bramhall records (p. 60), was a High Church Englishman who had been sent to Ireland by Laud and imposed on the college, against his own inclination, by Wentworth with the object of counteracting the Puritan temper prevalent there; while the new statutes, though drafted by the liberal-minded Bedell, Bishop of Kilmore (pp. 60, 62), who had been Provost from 1627 to 1629, were rigorously revised by Laud and purged of everything which might tend to promote a distinctive Irish or even Anglo-Irish culture. The Irish lecture which Bedell, chief promoter of the canon enjoining the use of the native language, had instituted and greatly cherished, was suppressed; and the number of Visitors was reduced from seven to three with Laud himself as primary Visitor. This, in the words of Sir John Pentland Mahaffy, the college's famous modern Provost, "can hardly be understood as less than a direct insult" to Ussher in his capacity of Vice-Chancellor; for it transferred to Canterbury the influence which Armagh had formerly exercised. Laud summed up his intentions in a letter to Bramhall here printed. "Certainly you cannot do him [the Provost] better service, nor that kingdom neither, than to get some of the most factious senior Fellows . . some way preferred out of the college. And when they are out, I think some towardly Englishmen might be sent out of our universities to begin a good example and settlement in that college for the Irish to follow" (p. 64). The archbishop was here but echoing what the Lord Deputy had recommended to him a few months earlier.(1)

After the dissolution of the Parliament on April 18, 1635, the Bishop of Derry visited his diocese and a little later went with the Lord Deputy into Connaught, where Wentworth was planning a new plantation. "God send you well into your diocese, and back too," the archbishop wrote, "and with my Lord into Connaght. And I pray tell my Lord when he goes, that I have lived all this while without any land in England, and that therefore I hope he will take order that I shall have a reasonable proportion in Connaght, or Ormond, which he will, that so I may have some good occasion to come into Ireland against they are weary of me in England" (p. 68). To which Bramhall replied: "If your Grace had been as expert in improving of land as you are in bettering the state of a church, it had been an act of prudence to have given you a proportion in Connaght or Ormond. But to bestow it on a new beginner is to cast it away. And if your Grace be not weary of managing the affairs of the Church before churchmen (I except only fools and knaves) be weary of you, you may by the favour of God and

(1) Bagwell, *op. cit.*, i, 273-275; Mahaffy, *An Epoch in Irish History*, chap. vi.

his Majesty stay eternally at the helm, where you are deservedly placed for all our good" (*ib.*) The cumbrous humour of this exchange, which is characteristic of both men, bears, in the light of future events, the complexion of irony.

Bramhall not infrequently felt called on to complain of the conduct or opinions of his colleagues in the Irish episcopate. Spottiswood of Clogher (pp. 65, 67), Lesley of Down (p. 71), Bedell of Kilmore (pp. 79, 81, 83, 85, 86), Adair of Killala (p. 85) in turn came under his censure. With Bedell, who by holding a diocesan synod exposed himself to the threat of *praemunire*,[1] he was eventually reconciled. When Adair, for his animadversions on John Corbet, an anti-Presbyterian pamphleteer and a protégé of Bramhall's (p. 86), was deprived of his bishopric (but after the fall of Laud and Wentworth he was given another), the Bishop of Derry expressed the opinion that he was "fit to be thrown into the sea in a sack, not to see the sun, nor enjoy the air."[2]

Against the Presbyterians Bramhall's hostility was relentless (pp. 71, 73, 79). He concerned himself with their doings not only in Ireland beyond his own diocese but in Scotland as well.[3] His letter of December 19, 1638, to David Michael (or Mitchell),[4] with its request for information, assurance of financial assistance and proposal of a correspondence in cipher, is interesting evidence of this (p. 80); while a letter which he wrote to Laud on August 7, 1639,[5] with the archbishop's answer of September 2 (p. 82), shows him prejudiced against Scotsmen of whatever denomination. He was anxious lest the Scots bishops, who he had heard were being ejected from their own country, should come into Ireland; and provoked Laud to protest by a slighting reference to John Maxwell, Bishop of Ross, who in the words of Bagwell was "Laud's most active ally in Scotland" and was soon to succeed Adair in the see of Killala. It may be noted that Adair, Spottiswood and Lesley were all Scotsmen.

From a letter addressed to him by one John Perkins, who on internal evidence can be identified with the member for Dungannon in the Parliament of 1634, it appears that Bramhall did not scruple to make use of *agents provocateurs* in his campaign against the dissidents (p. 82). In this he was acting, as Perkins makes clear, on behalf of the Lord Deputy; who also employed him, more openly, in the liquidation of the Londoners' plantation in Derry and Coleraine. The attack on the privileges of the Corporation had been begun in the Star Chamber in 1631. The charge was non-fulfilment of contract but the real purpose

(1) "It is said that Bedell was the only bishop who held a diocesan synod since the Reformation in Ireland." *History of the Church of Ireland*, iii, 351*n*. Cf. *S.P. Ireland*, 1633-1647, pp. 204, 218-220.

(2) See Bagwell, *op. cit.*, i, 233, 234.

(3) *Ibid.*, i, 232, 233.

(4) Who after the Restoration became Bishop of Aberdeen.

(5) *Cal. S.P. Ireland*, 1633-1647, p. 220.

of the suit, in the view of those unsympathetic to Wentworth, was the increase of the King's revenue and of the royal power in Ireland. Proceedings, however, had started before Wentworth's appointment as Lord Deputy and there is no doubt that the Crown had a case. The Corporation offered a compromise but in February, 1635, judgment was given against them: they were condemned to pay a heavy fine and the charter granted them by the King's father was revoked. The lands in dispute reverted to the Crown and Bramhall was appointed receiver general of their rents (pp. 77, 81). The benefit which accrued to his diocese was not inconsiderable.(1)

The bishop had his own Star Chamber troubles. About the time of his leaving England for Ireland a suit was brought against him in that court by a person named Bacon. There were two charges: one, that he had "uttered some yeomanly language upon the serving and executing a commission out of the Court of the Star Chamber" itself; the other, "that he was present at Ripon when one Mr. Palmer had made some reflecting discourse upon his Majesty, and that his Lordship had taken no notice of it, either to reprove him or to inform against him." Mr. Palmer's remarks, as reported, were innocuous enough.(2)

The case was still pending in August, 1637, when Bramhall, who was contemplating a visit to England, wrote about it to Laud at considerable length. He was evidently in some anxiety as to the issue (p. 74). The Archbishop reassured him. "If your Lordship come over at Michaelmas, 'tis a blustering time of the year, and God preserve you at sea. But if we get you safe on land, we shall by God's grace keep you safe enough from any rocks of the Star Chamber" (p. 76). On Bramhall's arrival in England the case was quickly settled in his favour.

Through 1638 and 1639 the bishop was busy (among much else) in rounding off his labours for the recovery of the impropriations, interesting himself in the projected new plantations and in the affairs of Londonderry, and making his vain protests against the rising tide of Presbyterian contumacy (pp. 76-84 *passim*). The ill-feeling which some of his activities inevitably gained him Laud exhorted him, with characteristic unction, to ignore. "Your Lordship does very well," the archbishop wrote, "to neglect envy and malice, which must and will accompany all men, which live in any place of eminence, and do their duty either to God or their King. And if you do not so, you shall neither do your duty, nor give yourself any content" (p. 79).

Wentworth went to England, to become Earl of Strafford, Lord Lieutenant of Ireland and the King's chief minister.

(1) See T. W. Moody, *The Londonderry Plantation* 1609-1641 (Belfast, 1939); also Bagwell, *op. cit.*, i, 252-254; Burghclere, *Strafford*, ii, 61-66; *Cal. S.P. Ireland*, 1633-1647, pp. xxi-xxiv.

(2) See the *Life* (by John Vesey, Archbishop of Tuam, with later additions) prefixed to Bramhall's *Works* (Library of Anglo-Catholic Theology), i, xx.

His cousin Christopher Wandesford, Master of the Rolls in Ireland, took his place as Lord Deputy. To him, on April 16, 1640, Bramhall sent from Omagh (co. Tyrone) a detailed account of the condition of agriculture and the state of the peasantry in Ulster. It is a sorry picture and ends on a rather unexpected note of clemency; which may, however, have been dictated by policy. "No man demands a reformation of these barbarous customs more than myself, but the times are not now for the sudden or violent reformation of it. If you please to stay the execution of all those penal laws"—against "chimneys and trouses and especially ploughing by the tail"—"for a time unlimited or to suspend them for a certain time till they may be taken into further consideration it will be a most acceptable deed to the natives and render you beloved" (pp. 86-88). With Scotland in arms and the spirit of revolution abroad and mounting in England and Ireland the Crown must find friends where it might.

The only letter of Wandesford's in this collection, probably addressed to Bramhall, is one desiring the recipient to assist in the examination of certain persons accused of bewitching the Duchess of Buckingham—the widow of King James's favourite who had married the second Earl (afterwards Marquess) of Antrim (p. 89). Concerning this potentially interesting incident nothing further has been discovered.

Bramhall's last letter to Laud is dated November 4, 1640. In it he had to report the resolution of the Irish House of Commons, which had met in March and after two prorogations had reassembled in October, to send a delegation to England to lay their grievances before the King or the English Parliament. The delegates carried with them the remonstrance against Strafford's methods of government which had been presented to the Lord Deputy and was to furnish a large part of the matter of the earl's impeachment. The bulk of the letter deals, however, with things which more directly interested the Church: the grievances against it—"or rather against some churchmen"—which the Commons had also presented to Wandesford; their attack on the Court of High Commission—"the present scourge of the Puritan and the future fear of the Papist"—in the person of its register; and the method of collecting the tax granted by the clergy to the King. "I beseech God to preserve your Grace from all those that wish ill to the Church and send you health and happiness for the public good of these churches and kingdoms," the bishop concluded; adding as a postscript: "I dare not adventure to propose the causes of these distempers" (pp. 90-92).

At the beginning of March, 1641, he was himself impeached of high treason by the Irish Parliament. Going to Dublin to meet the charge, he was arrested and placed in confinement. On March 6, two days after his impeachment, he drafted a petition to the Lords Justices for bail (p. 144), which was not

granted.[1] On March 23 he entered into a recognizance in 20,000*l.* to remain a prisoner in his own house in St. Patrick's Close until May 1 and then to move to any other house which the gentleman usher of the House of Lords should appoint (p. 144). It appears, however, that he was still at his own house on May 18, though allowed to go abroad in the custody of the gentleman usher.[2] On June 19 a committee was appointed by the House of Commons to formulate the charges against the Lord Chancellor, the Lord Chief Justice of the Common Pleas, Sir George Radcliffe and the Bishop of Derry.[3] From a bill of general pardon which the Lords Justices drew up at the request of the Lords the Bishops of Derry and Cork were excepted "as to crimes".[4] In August the King wrote to the Speaker of the Irish House of Lords that he would have the Parliament very tender in their proceedings against the Lord Chancellor, the Bishop of Derry and the Chief Justice, "conceiving that rather their frailties than their corrupt dispositions have made them objects of that compassion which we expect to be shewn unto them."[5] As a result of this letter Bramhall was released, though without acquittal, and retired to his diocese. Not long afterwards, on the advice of friends, who feared for his safety in the disturbed state into which Ulster was falling, he went to England.

Thence, in an undated letter to his wife conjecturally assigned to 1641 (though it may belong to the following year), he told of his arrest at Chester by the agents of the Earl of Kildare and a suit in Chancery which he had started in consequence, and of a visit to London where he found friends in Parliament (p. 92). Later he went into Yorkshire, whence he sent his plate to the King and where he advocated the royal cause from pulpit and with pen. He joined the Marquess of Newcastle, probably on that unsuccessful general's return to Yorkshire after his futile march towards London in the summer of 1643, and preached before him when he was beginning his advance against the invading Scots. The sermon was printed at York and Archbishop Ussher wrote from Oxford to compliment him on it (*ib.*). After Marston Moor Bramhall accompanied Newcastle to Europe, landing at Hamburg on July 8, 1644. At the abortive Uxbridge Convention in the following January he was excepted, like Laud, from the proposed general pardon; as he was from the Act of Indemnity of 1652.

For the period of his exile his correspondence in the present collection is scanty. It can be supplemented from other sources, but of the first few years, when he was living in Brussels, little record appears to have survived. What may be taken

(1) *Cal. S.P. Ireland*, 1633-1647, p. 289.
(2) *Ibid.*
(3) *Ibid.*, p. 309.
(4) *Ibid.*, p. 310.
(5) *Ibid.*, p. 332.

for certain is that his zeal for King and Church was as strong as ever.

In August, 1648, he was in Holland; and there received a letter from Ormonde, who was at Caen, announcing his departure "towards the place where my part is designed me. I should have held my business there in a good measure done," the marquess proceeded, "if the temper of that place had been such as that I durst have invited your Lordship to my assistance, as I should have done however it is but that I had such experience of their injustice to you as made me fear what ever they would deem my fault would be imputed to you, but if there be such a settlement as may put that past fear, you will thereupon speedily receive a very hearty invitation from and welcome to your Lordship's affectionate humble servant" (p 93). It was not long before Bramhall, who did not lack courage, followed the Lord Lieutenant to Ireland.

He did not go into Ulster but confined his movements to the South and West. The Marquess of Clanricarde, Lieutenant General of the King's army in Ireland, entertained him in his castle of Portumna in Galway. He was at Kilcolgan in the same county on April 1, 1649[1]; and two months later at Kilkenny, whence he was to "follow the camp."[2] In October he was at Limerick with Ormonde (p. 93) and there received the Protestant profession of the dying Earl of Roscommon, Strafford's brother-in-law. During the same month he reached Cork. While he was there the city declared for the Parliament and he is stated to have made his escape back to the continent. But on March 15, 1650, he was writing a letter from Quin in county Clare.[3] In May he was at Breda, pronouncing the benediction after the service at which, to the scandal of the Commissioners of the Kirk, Charles II insisted on kneeling to receive communion.[4] To 1650 or thereabouts has been assigned what, in a letter to his son, he described as a "tedious and chargeable voyage into Spain"[5]; about which there is an improbable and unauthenticated story.[6]

He was certainly in the Low Countries at the beginning of 1651, for in January of that year he wrote to his son from the

(1) *Ormonde MSS.* (Hist. MSS. Comm.), *n.s.*, i, 122.
(2) *Cal. S.P. Ireland*, 1647-1660, p. 367.
(3) *Ibid.*, p. 378.
(4) Gardiner, *History of the Commonwealth and Protectorate*, i, 262.
(5) *Rawdon Papers*, p. 107.
(6) "For the purpose of drawing a parallel between the English liturgy and the public forms of the foreign Protestants, he undertook a journey into Spain. On his first day's journey, however, in that kingdom, he was deterred from proceeding farther, by a singular incident. The hostess of the inn where he stopped for refreshment, accosted him by his name and title. When he expressed his surprise, she showed him his own picture, and informed him that there were several of them on the road, so that he might be recognised and carried to the inquisition, and that her husband was empowered by that court to arrest him. Upon this hint he returned." Rose, *New General Biographical Dictionary*, v, 12. See also Sir James Ware's *Works* (translated, revised and improved by Walter Harris, 1739), i, 123.

Hague.[1] His movements during the months following may be traced from the dating of his letters to Ormonde.[2] He was at Antwerp in February, back at the Hague in April, in June and throughout the summer at Brussels, at Ghent in October, at Calais in March, 1652. His business was to raise money for the King from the proceeds of prizes taken by Royalist ships, and by other means.

In November, 1652, he was made receiver of the moneys due to the Duke of York as Lord High Admiral. This appointment brought him into a "sharp encounter" with Sir Edward Hyde, whom he had recently rebuked for delays in the fitting out of privateers.[3] It also met with the disapproval of Sir Edward Nicholas, who had wanted the post for his son. "I cannot marvel enough why the Bishop of Derry should covet so improper a province," he wrote to Hyde. "... I believe he is the first bishop that ever busied himself with such a maritime employment, and I doubt that some who wish not well to the King and Church of England have put his Lordship upon it, that they may speak the louder against both."[4]

In the following May Nicholas told Hyde that he had heard from "honest Mr. Clutterbocke" at Bruges that the bishop was "very great and intimate with the rogue Lilburne."[5] This may have been substantially true, but the intercourse was not necessarily liable to the construction which Nicholas obviously put on it. The Leveller was at this time in exile and in communication with several prominent Royalists. It is extremely probable that he was one of those "who know the most secret ways of Parliament" with whom Bramhall discussed the prospects of a restoration, as he reported to Ormonde in a letter, partly in cipher, which the marquess received in June.[6]

Later in 1653 Bramhall was called to account by Ormonde, on the King's behalf, for saying that Hyde was in receipt of a pension from Cromwell and was furnishing him with information. He defended himself, not very conclusively, and disclaimed any animosity against Hyde.[7] But there does not appear to have been much love lost between the two men. In one letter Hyde refers to Bramhall, with more than a hint of sarcasm, as "the noble prelate."[8] It is rather curious therefore that the only letter from the future Lord Chancellor of England to the future Primate of Ireland preserved in the present collection is couched in terms of the greatest cordiality. Its main subject is one of Bramhall's books, of which the author had sent Hyde

(1) *Rawdon Papers*, p. 105.
(2) See *Ormonde MSS., n.s.*, i, *passim*.
(3) *Calendar of the Clarendon State Papers* (Oxford), ii, 153, 154.
(4) *Correspondence of Sir Edward Nicholas*, ed. George F. Warner, (Camden Soc.), i, 317, 318.
(5) *Ibid.*, ii, 13.
(6) *Ormonde MSS., n.s.*, i, 292.
(7) See *Calendar of the Clarendon State Papers*, ii, 263, 270, 279.
(8) *Ibid.*, ii, 237.

a copy (p. 98). In spite of his "maritime employment" the years of his exile were the time of the bishop's greatest literary activity. His polemics interested Ormonde (p. 95), who also wrote to him of the traitorous dealings of Captain Henry Manning (p. 94) and of a conversation which he had had with Dr. George Morley, afterwards Bishop successively of Worcester and of Winchester, when they "rid in a waggon together" in Holland, on the limits of the duty of obedience to kings (p. 95).

Some of Bramhall's writings were published at the Hague, others in London. Among the latter were his refutations of Thomas Hobbes, whom he had met and argued with in Paris. A letter which he wrote in March, 1658, to Nicholas Bernard, Dean of Ardagh, himself a theologian, shows that Bernard, at this time resident in England, was looking after the printing of one of these; and that the bishop was about to engage on another work in answer to one directed against himself by the Roman Catholic controversialist John Sergeant (p. 96).

The rest of this letter is more self-revealing than any other of Bramhall's, at any rate in the present collection. In answer to Bernard's proposal that he should return to England the bishop enumerates the sentiments of patriotism and family-feeling which make him desire to do so and the weightier reasons which keep him away. Both his debts and his religious opinions have place among these. "But if those peaceable reconciliatory propositions which I sometime made, and had reason to believe that they were well grounded, might have been listened unto, you should have seen me flown over regardless of my own personal danger." This suggests some advance to Parliament or Protector which has not been traced. He expresses an aspiration to retire with his wife and younger children to Nymegen or Utrecht "and to live there poorly, abandoning all our hopes in this world and for the preservation of a good conscience" (p. 97).

At the Restoration Bramhall returned to England. He was in London on July 7, 1660, and had been there for over a fortnight, detained on the affairs of Ireland.[1] In August he was nominated to the archiepiscopal see of Armagh, vacant since Ussher's death in 1656, though he did not receive his formal appointment until the following January. It was a promotion which he had every right to expect. Among those who congratulated him on it was William Sancroft, the future Archbishop of Canterbury; who, having done so in stately phrases, went on to speak of his own prospects. Bramhall had recommended him to Ormonde, now Lord Steward of the Household, as chaplain, but the post had already been filled. The scramble for preferment made him rather pessimistic. Nothing was to be had but reversions. "For all is taken *à la volée* (so cunning gamesters are we grown) and not a ball is

(1) *Rawdon Papers*, p. 113.

suffered to touch the ground" (pp. 98, 99). The Queen of Bohemia, the King's aunt, also sent the new Primate her congratulations; her letter being carried by her chaplain, Dr. George Beaumont, who was to be Dean of Derry (pp. 100, 101). Later she wrote to tell the archbishop that her nephew had been "crowned in spite of the fanatics" (p. 103).

Subsequent to Bramhall's return to Ireland there are no letters of his own in the collection. But those addressed to him, from November, 1660, to July, 1662, and particularly from August, 1661, onwards, are, in proportion to the space of time covered, more numerous than those of the earlier period. Their main concern is with the negotiations conducted in England for the reintegration of the Irish Church, the spiritual and temporal economy of which had been reduced to chaos by the disorders of the last twenty years.

One of the principal negotiators was Michael Boyle, the new Bishop of Cork, son of that Richard Boyle who had held the same see when Bramhall first came to Ireland and had been involved in the dispute about Youghal College (see above, p. xvii). On November 13, 1660, when he had not yet been consecrated,[1] he wrote to Bramhall from London, where he had stayed at Ormonde's behest, relating what he had already been able to effect. He had prevented the insertion, in the King's forthcoming declaration for the settlement of Ireland, of a clause, for which some "persons of quality" had been pressing, to render void the improvements made in Strafford's time; and he was working for the restoration to the Church of the impropriations which, from one cause or another, had passed into the King's gift. Not only Ormonde but Sir Maurice Eustace, the Irish Lord Chancellor, the Earl of Orrery, one of the Lords Justices, and the Bishops of London and Worcester, Gilbert Sheldon and George Morley, were seconding his endeavours. Nevertheless it was his opinion that there should be some "person of parts" from Ireland continuously resident in England to attend to the Primate's directions (pp. 99, 100).

As a result of this letter a petition from the "orthodox clergy throughout Ireland" was drawn up, to be presented to the King by the bishops at that time resident in Dublin, praying for a royal licence for two agents " to come over and represent the low state of the Irish Church, and such means as seem to them conducible to the happy and peaceable settlement thereof."[2] Before it had been despatched a letter from the King, obtained no doubt by the efforts of the Bishop of Cork and his friends, had been brought to Dublin by Robert Mossom, Dean of Christ Church (p. 100). It granted, to the incumbents and curates

(1) There is no reference in these papers to the ceremony in St. Patrick's cathedral on January 27, 1661, when two archbishops and ten bishops were consecrated to fill the Irish sees which had fallen vacant during the interregnum. Bramhall was the chief consecrator. See *History of the Church of Ireland*, iii, 120.

(2) *Rawdon Papers*, p. 116.

of the churches to which they belonged, all appropriate rectories, vicarages and tithes in the possession of the Crown by the expiry of leases and the reversions of all such as were yet in lease, as also those vested in the Crown by reason of attainder for rebellion ; and to the bishops, deans and chapters all manors and lands formerly held of them but now vested in the Crown by reason of attainder.(1) On behalf of the clergy Bramhall wrote Charles a letter of thanks, in which he cited their petition. He enclosed it with one to Ormonde, in which he said that since the main requests in the petition had been met by the King's letter he left it to Ormonde to decide whether it would be needful to send agents. He enumerated some other *desiderata*, which, so far as they go, correspond with the headings which he had jotted down on the back of the Bishop of Cork's letter (p. 100).(2)

The royal grants, with other provisions for the benefit of the Church, were incorporated in "His Majesty's Gracious Declaration for the settlement of the Kingdom of Ireland" which was issued on November 30 and formed the groundwork of the Act of Settlement of 1662. They were referred to by the King, as proof of his benevolent intentions, in a letter dated December 24 and addressed to the Archbishop elect of Armagh and others in answer to their petition. In this he promised to protect the rights of the Church of Ireland, add to its revenues, which had been "too much diminished by improvident hands, and to restore it to its ancient patrimony."(3)

"But, as Bramhall was to find to his chagrin, there was a wide difference between promise and performance."(4) By April, 1661, he was already petitioning the Lords Justices to stop the passing of impropriations to those who had no right to them.(5) There is no reason to doubt the King's good will, but for the lands of Ireland there was a host of rival claimants : the soldiers who had been given land in lieu of pay and those (the " '49 men") to whom land was still to be allotted ; the Adventurers who had lent the government money in 1641 on the condition that they should be repaid by allotments from the estates forfeited by the rebels ; the dispossessed Catholics against whom there was nothing to object except their religion—the so-called Innocent Papists. Also to be reckoned with were those who opposed the claims of the Church on political grounds, notably Sir Audley Mervyn, who had been the prime mover of Bramhall's impeachment in 1641 and, when the Irish Parliament met in May, 1661, was elected Speaker of the House of Commons.

(1) Dated November 20. *Cal. S.P. Ireland*, 1660-1662, p. 91.

(2) *Rawdon Papers*, pp. 114-117. In *Cal. S.P. Ireland*, 1660-1662 (p. 483), is printed, under the heading "Addenda 1661," an undated petition from the Irish clergy asking for precisely the things which the King granted on November 20, 1660. It contains, however, no request for permission to send agents : on the contrary, it refers to them as addressing the King on the subject of the petition.

(3) *Cal. S.P. Ireland*, 1660-1662, p. 146.

(4) Dr. R. H. Murray in *History of the Church of Ireland*, iii, 129.

(5) *Cal. S.P. Ireland*, 1660-1662, pp. 313, 484.

On the earlier stages of the negotiations this volume throws little light; but there are letters among the State Papers to testify to the Primate's untiring zeal. Besides the restoration of the impropriations he desired to obtain for his clergy "the remittal of first-fruits *pro hac vice*, the uniting of small benefices to render them subject to first-fruits, some small glebes where there are none, the establishment of a free school in every diocese, and the establishing of the tithing table of Ulster for all Ireland." In exchange he offered an equal and universal tax on all ecclesiastical preferments, which he claimed would "more benefit the King's coffers by the improvement of the first subsidies of the clergy in this Parliament than all these concessions come to."(1) He was particularly anxious about the remission of the twentieth parts and first fruits, as being a burden which the clergy were in no condition to bear; and eventually, though not until October, 1661, this was granted as from October 23, 1641, to March 25, 1662.(2).

Meanwhile the proposal to send agents to London had at length been acted on. About the beginning of August the Upper House of Convocation chose the Bishops of Cork and Elphin (John Parker) "to place the state of ecclesiastical affairs before the King and to ask for his favours." With them went William Fuller, Dean of St. Patrick's, to represent the Lower House.(3) Thenceforth the letters of these men (pp. 104-131) kept Bramhall continuously informed of how things were going. He also heard occasionally from the Earl of Mount Alexander, one of the commissioners who had been sent over by the Irish House of Lords.

These letters tell their own tale:(4) one of delays and disappointments due to the opposing forces already enumerated. The agents had powerful friends in Ormonde, who was declared Lord Lieutenant in November, and in the Bishops of London and Worcester; both the King and the Duke of York (p. 105) were favourable to their pretensions; but the faction headed by Mervyn and Lord Massereene was obstructive, and the claims of the Catholic Irish to the possession of their own lands were a source of annoyance. The letter granting remission of the first fruits was delayed "by his Majesty's frequent absence from Whitehall" (p. 111) and when it was at last ready its signature had to be postponed because the King was "so early at his sport" (p. 115). The non-arrival of directions and documents from Bramhall himself was sometimes a hindrance to action.

(1) Bramhall to Ormonde, March 16, 1661. *Cal. S.P. Ireland*, 1660-1662, p. 264. Cf. *Ibid.*, pp. 315 (Bramhall to the King, April 25, printed *in extenso*, from an undated copy, in *Rawdon Papers*, p. 169) and 345.

(2) *Cal. S.P. Ireland*, 1660-1662, p. 444. See also pp. 111-117 of the present volume.

(3) Bramhall to Nicholas. *Cal. S.P. Ireland*, 1660-1662, p. 402.

(4) The negotiations relating to the Church were of course bound up with those relating to the general settlement, for which see Bagwell, *op. cit.*, iii, chap. xli.

Nevertheless the agents had from time to time a concrete achievement to report. The King's letter for the remission of the first fruits was at last despatched (p. 117). The stipends of several bishopries were augmented and the clergy were provided with glebes and mansion houses (p. 118). Bills were passed, and brought to Ireland by the Bishop of Elphin, for the union of parishes and for allowing the bishops to make leases for sixty-one years (pp. 123, 125, 127).[1] On April 29, 1662, the Bishop of Cork landed in Dublin with the Bill of Settlement (p. 131).

News of English affairs, both lay and ecclesiastical, were conveyed in the agents' letters: of the King's marriage; of a notorious quarrel between the ambassadors of France and Spain (p. 113) and of the dissensions of those countries; of the settlement of the Church in Scotland, the troublesome conduct of the nonconformists, the disputes over the Act of Uniformity and the progress of the new Book of Common Prayer.

Of what was happening in Ireland the Primate learned principally from George Wild, who had succeeded him in the see of Derry. Bramhall's animosity against the Presbyterians was as strong as ever, and Wild, who was as zealous as he for their discomfiture, kept him informed of their doings in his diocese. He went to London about April, 1662, perhaps to replace the Bishops of Cork and Elphin,[2] and thence sent Bramhall news not only of the concerns of Ireland but of the trials of Vane and Lambert (pp. 133, 134). A letter of July 5, 1662, from Robert Price, Bishop of Ferns and Leighlin, also from London, records a conversation with Ormonde in which the Lord Lieutenant indicated his policy with regard to the army and "the better planting of the country" (p. 134).

The last letter in this section is dated June 4, 1663. Archbishop Bramhall died suddenly just three weeks later.

XIV. *Petitions, Orders and Miscellaneous Documents mostly relating to the Episcopate of John Bramhall.*—The earlier petitions (pp. 137-139) are concerned with the temporalities of the see of Derry while Bramhall was its bishop; those subsequent to the Restoration mainly with the resettlement of the Irish Church. A royal letter, in response to a petition, requires the Lord Justices to recommend the forthcoming Parliament to make some reward to John Lesley, Bishop of Raphoe (p. 139). He was nearly ninety and the only Irish bishop who had stayed in his diocese throughout the interregnum. Parliament granted him 2,000*l.* and he was translated to Clogher. An order of the Lords Justices and Council shows that the misuse of Christ Church Cathedral, which Bramhall had described to Laud in his letter of August, 1633,[3] continued or had been

(1) Cf. *Cal. S.P. Ireland*, 1660-1662, p. 521.
(2) The *Dictionary of National Biography* says nothing of this journey.
(3) See above, p. xvi.

renewed (p. 140). Two petitions from the Bishop of Clonfert were occasioned by violent entries into the demesnes of that see (p. 142).

The miscellaneous documents include some papers relating to Bramhall's impeachment (p. 144), a list of Irish ecclesiastical preferments after the Restoration, not all of which materialised (*ib.*), drafts of grants to Bramhall in recognition of his services (p. 146), a rental of the lands and fishing of the see of Derry in 1641 (pp. 146-148), some unpublished theological writings of Bramhall's (p. 148) and two undated papers of undiscovered authorship—"A Proposal concerning Schoolmasters" (p. 149) and "Exceptions alleged against the Act to be passed for the Confirmation of the Court of Prerogative and Faculties" (p. 150).

XV. *Other Miscellaneous Irish Papers.*—This section reverts to the earlier years of the seventeenth century, when Sir John Davies was Solicitor and Attorney General for Ireland. Its most substantial item is the survey of the Ulster plantation made in 1613 by Sir Josias Bodley, director general of fortifications in Ireland (pp. 159-182). It also comprises a set of rules drawn up by the judges "to be observed . . . for quieting and settling of the estates of the mere Irish" (p. 153), two depositions relating to the rebellion of Sir Cahir O'Dogherty in 1608 (pp. 156, 157), and some examinations occasioned by a report which was being spread about the beginning of 1618 that the Archbishop of Canterbury (Abbot) had been committed to the Tower for treason (pp. 182, 183). It concludes with a few documents of later date, among which is a manuscript history, briefly described, of the early kings of Ireland by Walter Harris, the eighteenth century historiographer (p. 184).

XVI. *Royal Letters and Letters from the Lords of the Council, etc., mostly to the Earls of Huntingdon as Lords Lieutenant of Leicestershire and Rutland, and other Documents relating chiefly to County Affairs.*—For the most part the letters in this series, which range in date from the latter years of the reign of King Henry VIII to the eve of the Revolution of 1688, are concerned with the routine business of the county lieutenancies, such as the mustering of the trained bands, the levying of men and horses, the assessment and collection of subsidies and loans and the disarming of recusants. They are usually circular letters, addressed to the Lords Lieutenant of all counties, and those from the Lords of the Council are entered in the Acts of the Privy Council, which have been published to the end of August, 1627. Letters so published are here very briefly summarised, with references to the printed volumes in which they are to be found. The royal letters in many instances merely repeat, or anticipate, those of the Council.

The instructions for levies, and other letters relating to them, reflect the military activities of the Crown. Men were needed for service in France in 1544 (p. 186) and, in support of Henry of Navarre, in 1592 (p. 187); in Ireland against Tyrone in 1595 (p. 187) and from 1597 to 1602 (pp. 188-191), and against Sir Cahir O'Dogherty in 1608 (p. 196); for the recovery of the Palatinate in 1624 (p. 207) and for the service of the King of Denmark in 1627 (p. 210). Permission was to be given for the recruiting of volunteers for the King of Denmark in 1612 (p. 199) and for the United Provinces in 1624 (p. 206). In May, 1620, the ambassador of the King of Bohemia made an appeal, which was seconded by the Privy Council in October, for a loan to his master; for the contribution of Leicestershire and Rutland towards which he thanked the Earl of Huntingdon in November (p. 208). In 1622 the Lords of the Council wrote to Huntingdon and to the High Sheriff and Justices of Leicestershire about a proposition for a voluntary contribution towards the expenses of the war in Germany (p. 205).

Some of these letters relate only to the affairs of Leicestershire or of that and the neighbouring counties. In November, 1570, the Queen discharged the Earl of Huntingdon from the commission as lieutenant general in Leicestershire and Rutland which he had held during the northern rebellion in favour of Mary Queen of Scots (p. 186). In March, 1584, the Earl of Leicester wrote to the Commissioners for Musters in Leicestershire reproaching them for not having sent up a certificate of the last musters, they being the only commissioners who had thus defaulted (*ib.*). In 1593 Sir George Hastings (later fourth Earl of Huntingdon) and others were ordered by the Council to allow one Christopher Croftes to continue his iron works, which he had been forbidden to do on the complaint of certain gentlemen of Derbyshire and Leicestershire (p. 187).

The early summer of 1607 saw disturbances in Warwickshire, Northamptonshire and Leicestershire in connection with enclosures. They were neither very serious nor of long duration, but they have the interest of the exceptional[1], and they were the cause of the appointment of a commission to examine the whole question[2].

There is a number of letters relating to them in the present series. For when the demonstrators, "using the colour of laying open grounds unlawfully enclosed," refused obedience to a royal proclamation, the High Sheriff and Justices of Leicestershire appealed to the government for direction; and on

(1) "The only other stirring of peasant revolt throughout the Stuart period [besides the Diggers movement of 1649] was some unimportant rioting in 1607 in Warwickshire and Leicestershire, where enclosure for pasturage was still in progress after it had ceased elsewhere, and where the fashionable rage for deer-parks made further inroads on agricultural land. But though the peasants pulled down some fences, the affair scarcely amounted to a rising." G. M. Trevelyan, *England under the Stuarts*, p. 40*n*.

(2) Curtler, *The Enclosure and Redistribution of our Land*, pp. 131 *et seqq*.

June 3 both the King and the Council wrote to Huntingdon (the fifth earl), who appears to have been in London, to repair at once to his lieutenancy. He was to take with him Sir Josias Bodley, whose survey of the Ulster plantation is printed in this volume (pp. 159-182), "as a man of experience and knowledge in the wars," having served both in the Netherlands and in Ireland. The earl's policy was to be to temper justice with mercy. Bloodshed was to be avoided as far as possible; those who acknowledged their offence and submitted were to be pardoned; and only the "first movers and inciters" were to be punished (p. 192).

Huntingdon did not reach Leicester until June 5, having been delayed at Dunstable for horses (*ib.*). He found that several persons had been taken into custody, of whom three were to have been sent up to London. On reflection, however, it was decided to send one only "(being the chiefest leader and director of the rebellious company) both in regard of the simplicity of the other.two . . . as also in respect of the dangerous passage through Northamptonshire" (p. 193). The prisoner thus distinguished, as appears from a subsequent letter, was "that base ringleader and turbulent varlet John Raynold" (or Reynold), and he journeyed to London in the charge of Huntingdon's cousin, Sir Henry Hastings (p. 194).

Meanwhile the Lords of the Council had sent the earl further instructions, among them that Sir Thomas Humphrey, Mr. William Brocas and Mr. Quarles[1], "charged by the common voice of the people of the county with these unlawful depopulations," and any others who had committed the like offences, should repair to London to appear before the Council (p. 193). Humphrey was despatched but Brocas had been dead three years and the land which he had depopulated sold, while Quarles was a Londoner with no abode in Leicestershire. "Howsoever it is true he depopulated the manor of Cosbich [Cosby], which is the only place in all the county cast down." Huntingdon informed the Council that he had taken order that no depopulation should lie undiscovered (*ib.*).

In his letter to Salisbury of June 6, announcing the sending of Reynold to London, the earl said that the county was "very quiet" and that he did not doubt that it would so continue (*ib.*). Next day he had to report to the Council that on the day of his writing that letter some eighty persons had assembled "in tumultuous manner and to the same purpose as others had done." He had dispersed most of them and taken and imprisoned some of the principals (*ib.*). On receipt of this news the Council advised more stringent measures. It was not sufficient to disperse the rebels, who reassembled so soon as they found opportunity. An example must be made by the deaths of some

(1) Perhaps the George Quarles who in 1613 petitioned for a delay in the throwing open of an enclosure (p. 200); and/or the Mr. Quarles of Enderby charged among others with destroying coppices in the forest of Leicester (p. 204).

few of them. "If this had been done before there had been need of less labour now" (p. 194). These admonitions Huntingdon interpreted as a rebuke and sought to justify himself by a more particular account of his proceedings (*ib.*). His vivid letter shows that he had been scrupulously carrying out the King's instructions of June 3.

It had been decided in the mean time that the prisoners should be dealt with by a commission of oyer and terminer. Judges were sent into Leicestershire and towards the end of June they sat in the county town. Huntingdon was associated with them and a jury was empanelled. There was no conviction of treason and felony was not charged. Some of the accused were bound over to the assizes and the rest kept in gaol. The Lord Lieutenant dismissed his forces (p. 195).

There were no further disturbances and it is clear that the government considered that a case might be made out for those who had caused them. On July 23 the Council required Huntingdon to choose six disinterested gentlemen of Leicestershire to be put into a commission of inquiry into unlawful enclosures and depopulations in the county (*ib.*). On the following day was issued a royal proclamation of pardon to the rebels who should make submission before Michaelmas (p. 196). More than two years later most if not all of the powder sent down to Leicestershire "at the rising of the hedge-breakers"—and mentioned in the Council's letter to Huntingdon of June 9, 1607 (p. 194)—was still in store (p. 197)[1].

Anticipation of trouble of another kind, which did not, however, materialise, is reflected in a letter from the Council of September 1, 1612, when they instructed the Lord Lieutenant to search the house of John Palmer of Kegworth, reported to be harbouring certain "traitorous and dangerous persons," Papists and Jesuits. A fortnight later they thanked him for his care in the matter, which "fell not out answerable to that which was pretended" (p. 199).

In 1615 the Bishop of Lincoln (Richard Neile) wrote that the clergy of Leicestershire were to be spared from the musters (p. 201). Four years later, on the other hand, his successor, George Montaigne, was begging Huntingdon that they might not be assessed therein at a higher rate than formerly and making him and his countess an offer, which it is difficult not to interpret as a bribe, of a licence to eat flesh during Lent (p. 202). In June, 1626, came an instruction from the Council (which does not appear in the published Acts) that the clergy were not to be exempted from contributing to the maintenance of the trained bands (p. 209). After a fatal accident which occurred

(1) For documents relating to the outbreak in so far as it interested the town of Leicester, and to the differences between Huntingdon and the corporation arising therefrom, see *Records of the Borough of Leicester* [iv], 1603-88 (ed. Stocks), pp. 60 *et seqq.* The earl's relations with the borough, as far as they appear in the present papers, are referred to later, p. xxxvii.

at a football match played in June, 1624, at Aston in Derbyshire between that town and Castle Donnington in Leicestershire the Lord Lieutenant forbade another which was to have taken place near Kegworth between the townsmen of Long Whatton in Leicestershire and those of Barton in Nottinghamshire (p. 206).

The fifth Earl of Huntingdon was Lord Lieutenant of Leicestershire from 1607, and of Rutland from 1614, until 1642; his elder son Ferdinando, Lord Hastings (afterwards sixth earl), being joined with him from 1629. During his long term of office the disturbances of 1607 were not his only vexations. In May, 1627, the Lords of the Council wrote to him for his account, which they had expected in the previous term (p. 210). It is clear that in his answer Huntingdon excused the delay on the plea of indisposition and expressed a fear that some "sinister opinion" had been conceived of his proceedings. The lords assured him of their belief in his integrity and that, when the accounts had been examined, any wrong done him or false aspersions cast on him should be punished (p. 211). A month later, on July 3, Lord Keeper Coventry wrote to tell him that there was no prospect of his being removed from his places[1].

In November, however, Huntingdon was still unhappy about his position and wrote again to the Council. The draft of his letter in the present collection (p. 212) differs from that which he despatched. In the latter he begged that, if his accounts had been examined, he should receive satisfaction: his adversary had given out that he had satisfied their lordships, otherwise he should have been sent for by a pursuivant[2]. On December 27 the Lords of the Council informed him that they had examined his account and questioned Sir Henry Shirley for his carriage towards him and his deputies; and as they had found reason to justify him in the first, so they had thought fit to censure and punish Shirley (p. 212)[3]. To the quarrel between Huntingdon and Sir Henry Shirley of Staunton Harold, which eventually brought the baronet to the bar of the House of Lords and to the Fleet prison, this is the only reference in these pages. The story is told in Henry Nugent Bell's *The Huntingdon Peerage* (pp. 111-113) and in *Stemmata Shirleiana* (2nd ed., pp. 109-112). The connection between a suspected irregularity in the Lord Lieutenant's accounts and a dispute over a hawking incident is obscure, but it may be presumed that Shirley vented the spleen arising from a private quarrel by spreading scandal about the earl in his official capacity.

Troubles of a larger import were imminent when, in December, 1638, the Council resolved that the county horse should

(1) This report, ii, 71.
(2) *Cal. S.P. Dom.*, 1627-1628, p. 424.
(3) This letter is given in full by Bell, *Huntingdon Peerage*, p. 112.

be completed and increased and the King ordered an enlargement of the trained bands both horse and foot (pp. 216, 217). In the early months of 1639 and again in 1640 came orders and instructions from King and Council for the levying and despatch of forces and the provision of horses and carters for service against the Scots (pp. 217-219). The last royal letter to the fifth earl is dated June 12, 1642: as a counterblast to an attempt of Parliament to get control of the militia it constitutes Huntingdon and others a commission of array (p. 219).[1] Thereafter there is nothing in the series until the Restoration.

Besides being Lord Lieutenant and Custos Rotulorum of the county the fifth Earl of Huntingdon was Chief Forester of Leicester Forest and there are a number of letters from and to him in that capacity (pp. 197-200, 215). In 1613 he received a warrant to make a laund in the forest (p. 200). Several letters to him from the Board of Green Cloth relate to the supply of provisions from Leicestershire for the King's household. The county had compounded for its quota but was dilatory in its payments (pp. 197, 198, 202, 205). Other letters included in this section illustrate the earl's not always harmonious relations with the corporation of Leicester[2].

Subsequent to the Restoration there are only a few letters. The Earl of Huntingdon at that time was a child and his uncle Lord Loughborough (younger son of the fifth earl), who had played a distinguished part as a Royalist leader in the Civil War and whose correspondence is printed in the second volume of this report, was appointed Lord Lieutenant of Leicestershire. On January 20, 1661, the Mayor and Aldermen of Leicester informed him of the steps taken against "fanatics" in their town (p. 219)[3], and in October, 1662, the Council sent him instructions for the settlement of the militia and the disarming of suspected persons and "all factious and seditious spirits" in the county (*ib.*).

After Loughborough's death in 1667 the lieutenancy of Leicestershire passed from the Hastings family except for a brief period from 1687 to 1688 during which, with that of Derbyshire, it was held by Theophilus, seventh Earl of Huntingdon. To him, besides a letter from the Council announcing the birth of a Prince of Wales on June 10, 1688, there are three from James II, all written in the last months of his reign and indicative of his increasingly precarious position (pp. 220, 221). The earl's loyalty to James lost him all his offices at the Revolution; his adventures during which, and his subsequent troubles, occupy a substantial part of the second volume of the report.

(1) Printed in full in Bell, *op. cit.*, p. 115.

(2) See index. For this subject see *Records of the Borough of Leicester* [iv], 1603-88 (ed. Stocks), *passim*.

(3) See also *Records of the Borough of Leicester*, ut supra, p. 470. For the King's proclamation see *Cal. S.P. Dom.*, 1660-1661, p. 470. Cf. Trevelyan, *England under the Stuarts*, p. 336.

XVII. *Notes of Speeches and Proceedings in the House of Lords.*—A. 1610 to 1621. The first of the two main parts into which this section has been divided consists of records of proceedings in the first three Parliaments of James I.

Parliament of 1604-1611 (pp. 222-229). Apart from the detached report of a speech delivered by William Barlow, Bishop of Lincoln, on June 12, 1610, against the claim of Parliament to the right to veto canons passed in Convocation, only the last fortnight of the active existence of this Parliament is covered. The record begins with the speeches of the Lord Treasurer, the Lord Privy Seal and the Lord Chancellor—Salisbury, Northampton and Ellesmere—at a meeting of committees of the two Houses on November 14[1]; in which they endeavoured to persuade the representatives of the Commons that the supply for which the King was pressing should be granted. This appears to be the fullest extant report of these speeches, which were heard by the fifth Earl of Huntingdon as a member of the Lords' committee, and it differs materially from other versions[2].

The rest of the document is a summary of the subsequent debates in the upper chamber, which were concerned not only with the burning question of impositions and supply but with the bill dealing with leases and grants made by Prince Henry, lately created Prince of Wales. It concludes with a speech delivered on December 6 by the Lord Chancellor to the Commons assembled at the bar of the House of Lords, in which he conveyed to them the King's recommendation that they should look after the poor in their constituencies. The occasion was the adjournment of the Parliament until February 9. Before that day, despairing of agreement with the representatives of his people, James had decided on a dissolution[3].

Parliament of 1614 (pp. 230-286). The manuscript "booke of remembrances of those thinges that doe happen and are done in the higher house" of the so-called Addled Parliament, which sat from April to June, 1614, is a considerably more important document than that just described. It contains a record, essentially complete, of the business transacted in the House of Lords from the day on which the Parliament first met to that on which it was dissolved. As appears from internal evidence[4], it was made by a member of the House—most probably the fifth Earl of Huntingdon, who was constantly present at the sittings and was on two committees of which the proceedings are here

(1) Not November 13 as in the text.

(2) See *Parliamentary Debates in* 1610, edited by Samuel Rawson Gardiner (Camden Soc., No. 81), pp. 131-134; Gardiner, *History of England* 1603-1642, ii, 108.

(3) On p. 228 will be noticed a chronological error. The entries dated in the manuscript as from November 20 to 23 should have been dated as from November 21 to 24.

(4) See the frequent statements made in the first person plural and two (pp. 230, 280) in the first person singular.

reported[1]: the first on a bill for avoiding suits at law touching wills of land, which was addressed by Lord Chief Justice Coke (pp. 244, 245); the second on one for punishing abuses of the Sabbath (pp. 278-280), to which the Bishop of Bath and Wells, James Montague, put up a spirited opposition, as he had done on the second reading (p. 266)[2].

Of this Parliament—"this intended but indeed no Parliament" (p. 283)—the significance lies in its very futility, for it emphasised the growing breach between the sovereign and his subjects. The two Houses were twice addressed by the King in person: on the opening day, April 5 (p. 230), and again on April 9 (p. 239)[3]; and it is interesting to compare the present versions with those printed by Cobbett from a Cotton manuscript[4]. They display remarkable verbal differences, and the list of proposed bills with which the second speech as here given concludes does not occur in the *Parliamentary History*, where the subsequent proceedings of the Parliament are very imperfectly described.

After the King's first speech and the presentation to James of the new Speaker of the House of Commons, Randolph Crew (pp. 234-236), the Lords went on to discuss the bill for the naturalization of the Count Palatine and the vesting of the succession to the Crown, failing issue of Prince Charles, in his children by Princess Elizabeth. This was the occasion of a notable eulogy of the virtues of the princess by Archbishop Abbot (p. 237). But the chief feature of the short session was the prolonged discussion of the Commons' request for a conference with the peers on the question of the impositions, marked by two intemperate speeches from Bishop Neile of Lincoln (afterwards Archbishop of York) which so angered the Commons that the bishop was eventually obliged to make an abject apology. His object, which was to prevent the conference, had, however, been achieved. All this is known history, but here we have, at least approximately, the *ipsissima verba* (pp. 249-278 *passim*).

Parliament of 1621 (pp. 286-290). Of this Parliament the record covers only February 6 to February 14, and that very briefly, with a detached note of a meeting on April 18 of a subcommittee, of which Huntingdon was a member, on the oaths to be taken by the clerks and other officers of the House. The speeches in the debate on February 12 on the bill for reforming

(1) Cf. *Journals of the House of Lords*, ii, 694, 714.

(2) Huntingdon nowhere appears by name among the speakers. But the speech of May 28 headed "My Lords speeche" (p. 269) is perhaps his; the probability being that the original record was made by himself and subsequently transcribed by a secretary.

(3) Gardiner (*op. cit.*, ii, 235) dates the second speech April 8, probably through a misreading of Cobbett. The date given in the present manuscript is confirmed by the *Journals of the House of Lords* (ii, 689).

(4) *Parliamentary History*, i, 1149, 1154.

unserviceable arms is more amply reported than in the extant notes of the Clerk of the Parliaments[1].

B. 1670 to 1695. The second part of this section (XVII) differs from the first in that it consists of detached sheets containing reports of single speeches and, less frequently, of debates, often without any specific indication of their occasion; a few of which, indeed, it has been impossible to place. The large majority are in the handwriting of Theophilus, seventh Earl of Huntingdon, and their general appearance suggests that they were made by him during sessions of the House and that the speeches recorded are his own[2].

The earl, who was born in 1650 and succeeded to the title in 1655, first took his seat in the House of Lords in 1673; but, apart from a speech on the conventicles bill (not in his hand) delivered by an unidentified speaker on March 26, 1670 (p. 290), there is nothing here earlier than 1677, when a bill for securing the Protestant religion by educating the children of the royal family therein was under discussion (p. 292). Most of the speeches made in the Parliaments of Charles II, from 1677 to 1680, are on the religious question[3]; the last being in favour of the Exclusion Bill (p. 302). Huntingdon, though later he was to suffer for his adherence to James, at this time supported the claims of Monmouth to the succession[4]. In December, 1679, he delivered to the King a petition, subscribed by himself and fifteen other peers, for the summoning of Parliament (p. 302), which had been dissolved in the previous May and did not sit again until October, 1680.

Of the one Parliament of James II there is no record. Those of William III are principally represented by notes of debates in 1695 on the state of the nation, of trade and of the coinage, and on the projected Scottish East India Company (pp. 312-318). There is a speech on the impeachment of the Duke of Leeds in the same year (p. 312), as there is also on his earlier impeachment in 1679, when he was still Earl of Danby (p. 301).

A few papers other than reports of parliamentary proceedings have been included in the section: some minutes of part of the trial, at which Huntingdon was one of the commissioners, of Henry Booth, second Lord Delamer, for his implication in the Monmouth rebellion (p. 307, cf. p. 353); the younger John Hampden's examination by the committee appointed to inquire into the circumstances of the "murders" of Lord Russell, Algernon Sidney and their fellow plotters (p. 308); and Huntingdon's own examination in 1692 when he was arrested on

(1) See *Notes of the Debates in the House of Lords* 1621, 1625, 1628, edited by Frances Helen Relf (Royal Historical Society, Camden series, vol. 42), p. 2. The voting is there given as 40 for and 22 against recommitting the bill; in the present document the figures are 43 and 23.

(2) Cf. note on p. 290.

(3) There is an interesting speech "against the increase of building in and about London" (p. 295). It is dated December 13, 1677, but Parliament was not sitting at that time.

(4) See Vol. II of this report, pp. xi, xii.

suspicion of treasonable correspondence with St. Germain (p. 300, cf. pp. 356, 357)[1].

XVIII. *Later Miscellaneous and Additional Papers.*—These papers fall into two main categories: documents which illustrate the history of the Hastings family and literary works, described or quoted, the authors of which were in some way connected therewith[2].

To the first belong the detailed regulations for the ordering of the Earl of Huntingdon's household, probably drawn up when the fifth earl succeeded to the title in 1604 (pp. 325-329) and the directions addressed by that earl to his elder son, Ferdinando (afterwards sixth earl), to assist him in the conduct of his life (pp. 329-335). This is perhaps the paper to which the earl referred in a letter of January 23, 1627, to his second son, the future Lord Loughborough (vol. II, pp. 70, 71): it is to be observed that the same quotation from Sir Walter Mildmay appears in both documents. Also belonging to the time of the fifth earl are lists of armour, arms and other munitions of war at Donington and Ashby (p. 337) and a descriptive itinerary (by himself) of a journey which he made from Donington to Lea in Cheshire, the seat of his son-in-law Sir Hugh Calveley (pp. 338-341).

Reference to the assistance given to Sir William Dugdale by Theophilus, seventh Earl of Huntingdon, is made in the introduction to the first and second volumes of the report, and letters which passed between the earl and the great antiquary are printed in the latter. Here will be found a manuscript history of the Hastings family by Dugdale, largely identical with the account given in the *Baronage* but containing matter not there included and corrections and additions in Huntingdon's hand (pp. 348-351); likewise some notes by the earl on the lives of his father and of his maternal grandfather, Sir John Davies, with corrections by Dugdale, who incorporated them in the manuscript last described (p. 352).

The seventh earl also wrote a short autobiographical sketch (p. 353); an *apologia* for his having sat on the Commission for Ecclesiastical Causes (p. 354), which was the ground of his exception from the bill of indemnity in 1689[3]; and a statement of his case on the occasion of his imprisonment in 1692 (p. 356)[4]. There are drafts of his answer to the petition which his elder son brought against him in the House of Lords in 1696 (p. 357)—an incident dealt with in the introduction to the second volume of the report (p. xviii)[5].

(1) See also Vol. II of this report, pp. xvi, 222-227.

(2) Of the first document in the series, the examination of William Hance, a Catholic priest (p. 325), it may be noted that the examinee was evidently a brother of the Everard Hanse who was executed at Tyburn in 1581 and beatified by Pope Leo XIII in 1886 (for whom see Bede Camm, *Lives of the English Martyrs*, ii, 249).

(3) See *Parliamentary History*, v, 377.

(4) See above (end of previous section).

(5) But see note to p. 357 below.

The literary items in the series include descriptions of the manuscript of a tract by Doctor George Eglisham, poet, controversialist and physician to James I, whom in this work he accused the Duke of Buckingham of poisoning (p. 335); of two apparently unpublished manuscripts—one genealogical, chronological and heraldic, the other theological (pp. 336, 337)—by Philip Kynder, physician and miscellaneous writer, who contributed to *Lachrymae Musarum*, a book of elegies on the untimely death in 1649 of Henry, Lord Hastings (son of the sixth earl), an inscription for whose monument he also composed[1]; of a number of the tracts of the prophetic Lady Eleanor Douglas (pp. 343-346)[2]; and of a poetical miscellany including poems by Thomas Pestell, vicar of Packington in Leicestershire and another contributor to *Lachrymae Musarum* (p. 358). There are poems, or extracts from poems, by Robert Codrington, author of, among other works, a life of the parliamentarian Earl of Essex (pp. 341, 342), and by the learned Bathsua Makin (p. 348). Of all these writers there are accounts in the *Dictionary of National Biography*.

XIX. *Letters and Papers of the Graham Family: chiefly relating to the Disposal of the Estates and Titles of the Earls of Airth and Menteith and Proposals for the Marriage of Helen, Daughter of Sir James Graham.*—It was, as has already been explained, the marriage of the lady named in the heading with Sir Arthur Rawdon of Moira that brought these documents into their present company[3]. The story which they unfold belongs to family rather than to national history; but the family concerned played its part in national affairs and boasted royal blood—a boast which contributed to its undoing.

The story was very fully told by Sir William Fraser, with documentary evidence from the muniments of the Duke of Montrose at Buchanan Castle (which he had previously described in the third report of the Historical Manuscripts Commission) and of the Grahams of Gartmore (possible claimants to the earldom of Menteith)[4], in *The Red Book of Menteith* (Edinburgh, 1880). To that work the present papers may be regarded as a supplement and they have been annotated with relevant references to it. They centre round the figure of Helen Graham's father, Sir James, second son of William, seventh earl of Menteith and first Earl of Airth, and uncle to William, eighth Earl of Menteith and second Earl of Airth, whose heir presumptive he was but whom he predeceased[5].

(1) See Vol. II, p. x; Bell, *op. cit.*, pp. 130-135.
(2) See above, p. xii.
(3) See above, p. vi and note.
(4) See W. O. Hewlett, *Notes on Dignities in the Peerage of Scotland* (1882), pp. 71-76.
(5) The date of Sir James's death is unknown. Fraser, *op. cit.*, and Douglas's *Scots Peerage* merely say that he was alive in 1683. These papers show that he was alive in April, 1688, and dead before May 9, 1692 (pp. 393, 394).

There is nothing here directly relating to the seventh earl's claim to the title of Earl of Strathearn, which Charles I at first allowed but afterwards, on the representations of interested parties, denied, creating him Earl of Airth in compensation[1]; but there is a good deal about his subsequent financial embarrassments, and more about his heir's. These were due partly to the fact that, believing himself secure in the possession of a quasi-royal title, the earl made large purchases of new lands, "as if his paternal estates were too mean to support the weight of dignity which he had to uphold"[2]; partly to the loss of his offices and pensions and the non-payment of the moneys which the King had granted him, amounting in all, apparently, to 23,000*l.* (pp. 360, 362)[3]; and partly to the damage which his property sustained at the hands of the Roundheads, for, in spite of Charles's treatment of him, he was a staunch Royalist.

In the business arising from his vast and various indebtedness, which on his death in June, 1661 (p. 364), descended to the grandson who succeeded him, his son Sir James was involved. He was, for example, a cautioner in a bond given to Sir John Ruthven of Dunglass (pp. 359, 363, 364, 366), to whom Menteith's estate of Kilbride had passed in 1643[4]; and he received from the earl a power, which was never exercised, to redeem the lands of Airth from Captain Alexander Bruce (p. 360)[5]. It is unnecessary, however, to attempt to unravel all the threads of this tangled skein.

Both by his father (p. 360), his mother (p. 364) and his nephew, who also solicited Archbishop Bramhall in the matter (*ib.*), Sir James Graham was called upon to assist them, first with the Protector and later with Charles II, in their vain endeavours to get the late king's promises honoured. Another case of non-payment which gave him trouble was that of the

(1) Menteith made his claim to the earldom of Strathearn, which had been held by Malise Graham, first Earl of Menteith, until he was deprived of it by James I of Scotland, as heir of line to David, son of Robert II by his second wife, Eupheme Ross. Prince David had been created Earl of Strathearn. The lands of the earldom which were annexed to the Crown Menteith was ready to renounce, in consideration whereof Charles I granted him 3,000*l.*; but other lands which had formerly belonged to it were in private hands and their owners, fearing for the security of their tenure, opposed Menteith's claim. His enemies also alarmed the King by representing the earl as asserting that his title to the throne was as good as his; for there was a doubt about the legitimacy of the issue of the first union of Robert II (with Elizabeth Mure), from which the royal line of the Stuarts descended. In the upshot Menteith was deprived of his offices of Lord President of the Council and Justice General and of his pensions, and for a time was confined to the estates of the earldom of Airth. He was subsequently restored to favour and readmitted to the Privy Council of Scotland. See Fraser, *op. cit.*, i, 342-379, and, for more succinct accounts, *D.N.B.*, xxii, 363, 364; G.E.C., *Complete Peerage*, viii, 673-675; Douglas, *Scots Peerage* (ed. Sir James Balfour Paul), i, 133-136.

(2) Fraser, *op. cit.*, i, 347.

(3) Cf. *Ibid.*, i, 346, where Fraser makes a different estimate of the total.

(4) *Ibid.*, i., 387. When Kilbride was coming into the market in 1667 the eighth earl suggested that Sir James and his wife should redeem it. (See below, pp. 371, 373, 374.) The suggestion was not acted on. For a later proposal concerning Kilbride made by Lady Graham, see p. 391.

(5) *Ibid.*

portion due to the daughter of his first marriage, Marian, wife of William Graham of Gartur, as heir to her mother Margaret Erskine, a daughter of the sixth Earl of Buchan and his *suo jure* countess. This business was complicated by Sir James's own liabilities (pp. 368, 374, 375).

That the eighth Earl of Menteith was by no means satisfied with his uncle's co-operation in his affairs is made very evident. On Sir James's failure to send, after repeated requests, a document which he needed in connection with a debt due to the Earl of Callander, he went so far as to threaten to commence legal proceedings against him by charging him at the pier of Leith (pp. 376-379). Sir James's reluctance to visit Scotland, though constantly urged to do so not only by Menteith himself but by others of his family, was a ground of grievance[1]. Bramhall's son-in-law had made his home in Ireland. In 1661 he was returned to the Irish Parliament as member for the borough of Armagh and in the same year received, no doubt through the archbishop's influence, a grant of forfeited lands in county Louth (p. 103), of which he was High Sheriff in 1662 (p. 368). His residence was at Drogheda but until Bramhall's death he seems to have been most often at the Primate's house in Dublin (pp. 365-370). Subsequently he lived mainly at Drogheda (pp. 371-394 *passim*), and in 1678 was Governor of that town[2].

He was in London in 1679[3], when he invited Menteith to meet him in Lancashire in the following spring and to return with him to Ireland (p. 381); and he was there again, or still there, in 1680 and 1681 (pp. 385, 387, 388). But there is nothing to show that he ever went back to his native land, or that he and his nephew ever met[4].

According to another nephew, Sir John Campbell of Glenorchy (son of his sister Mary and afterwards first Earl of Breadalbane), it was Sir James's neglect in "not countenancing him with so much as a visit" that decided the earl, a sick and childless man overwhelmed with debt, to alienate his lands and

(1) His excuse in 1679 was that he was "old and creasie," but a letter to him from Menteith of the same year indicates that he was in danger of arrest for debt (*ibid.*, ii, 175, 177); as does one from the earl to Claverhouse of December 5, 1681, here printed (p. 388).

(2) He was so addressed by his nephew Duncan Campbell, who also styled him "knight baronet" (p. 379).

(3) Trying to get possession of the manor of Congleton in Cheshire which had belonged to Bramhall's brother (see pp. 78, 81, 82 below), who had died without issue and to which, therefore, the archbishop and after him his children had become heirs. (See *Cal. S.P. Dom.*, 1679-1680, p. 385.) Sir James apparently recovered the estate on terms, for in October, 1681, Claverhouse referred to him and Lady Graham as going to "Conelton, their neu purchas." Fraser, *op. cit.*, ii, 202.

(4) According to Claverhouse Sir James and his wife contemplated visiting the earl at the Isle of Menteith, his seat in Perthshire, or alternatively meeting him at Carlisle, in 1681; but apparently they did neither. (Fraser, *op. cit.*, ii, 202-204.) In 1683 Sir James again invited his nephew to Ireland. (*Ibid.*, i, 427.) In an undated letter probably of the same year Menteith expressed his intention of meeting Sir James at Port Patrick in Wigtownshire (p. 390 below). He does not seem to have done so.

dignities from his family (p. 377). On this topic the present correspondence furnishes some new information of interest. From the evidence previously available it appeared that it was about 1679 that Menteith first began to entertain the notion; that it may have been put into his head by John Graham of Claverhouse; that the transaction was to be contingent on the marriage of the beneficiary with Helen Graham, Sir James's younger daughter; and that, though the earl's nearer kin were to be deprived of them, the estates and honours were to continue in the house of Graham—whether in the person of Claverhouse himself or of the Marquess of Montrose[1]. Now it is made clear that the earl had conceived the idea several years earlier and that his intentions included neither the marrying of his cousin (the proposed beneficiary being in fact already married) nor the preservation of the Graham connection.

In August, 1674, Lady Allardice, the earl's sister, wrote to Sir James in great distress. Her brother, she had been informed, was designing "outterly to ruen" his family and defraud the lawful heirs male, of whom Sir James was the first, by breaking the "tally"—by which she presumably meant the entail—and obtaining from the King the right, "fealling ears of his oun body," to nominate his successor. The person whom he had in mind was Sir John Dalrymple (Master of Stair, afterwards second Viscount and first Earl of Stair), son of the Lord President of the Court of Session. The earl, said Lady Allardice, denied this imputed intention, "but it is well knowen his inclanation." She implored her uncle to come to Scotland in order to "entrupp so unworthy a dissing" (p. 376). This request, which was seconded not only by Campbell of Glenorchy but by Sir James's brother Sir Charles (p. 378), was, as already indicated, of no avail.

Nevertheless, as appears from a letter to "some nephey of his"—probably Campbell of Glenorchy—Sir James was not prepared to accept the loss of his birthright without taking any action to prevent it. Menteith might be able to dispose of the estate as he would: he could not, as his uncle understood the matter, so surrender the honours. "Nor have I such mean thoughts ever to forgo my just rights thereto if it at any time become my due." Dalrymple had a mortgage on the estate, and Sir James proposed to try to get from the King the money of his which had "long laid in his [the King's] hands"—no doubt the portion of the late king's grants which the seventh earl had assigned to his son (p. 362)—and therewith to redeem the mortgage; advancing any surplus there might be to his nephew on security out of his other property. Lady Graham (Isabella Bramhall) would, according to a postscript which she added to her husband's letter, have lent her own fortune to the defeat of Menteith's design, but was not hopeful of success

(1) See Fraser, *op. cit.*, i, 421-427; ii, 170-205.

(pp. 376, 377). Eventually the earl seems to have abandoned his scheme in so far as it concerned the Master of Stair, who is last mentioned in this connection in November, 1675 (p. 378)[1]; but in January, 1678, his intentions were still a matter of concern to his family (p. 379). A year later they took a more definite direction.

Before that subject is discussed, however, some elucidation may be given of another point in Lady Allardice's letter. The eighth Earl of Menteith, though he had no issue, at any rate legitimate[2], was twice married. His first wife was one Anna Hewes and according to the *Complete Peerage* he married her in November, 1661; though Fraser and the compilers of the *Scots Peerage* could find no reference to her earlier than April, 1677. The *Complete Peerage* also quotes a complaint which in June, 1674, she lodged with the Privy Council of Scotland against her husband, who, she alleged, had failed to provide her with a competent livelihood and had been attempting to enter into new marriages. She must have left him in or before 1673, for in that year, she said, she went home, on his promise of better treatment, to his house of the Isle of Menteith; where, however, "she mett with nothing els bot extreame want of meat, drink, fyre and all that wes necessar for the preservation of her own and servants lyves, and wes still in great hazard to be murdered by his barbarous servants." Her case was dismissed as not proven[3]. It is to this affair, no doubt, or to what had led up to it, that Lady Allardice was alluding when in her letter of August, 1674, she spoke of "the misearable condition" which her brother had "redused him selfe to by ean unhappe mache" (p. 376), though whether her immediate transition to the announcement of the earl's design with regard to his estate is more than accidental is not clear.

In spite of her grievance, real or imagined, it would seem that the countess continued to live with her husband for a time, for in another letter to her uncle Lady Allardice wrote in September, 1677, that she had "now" heard that her brother's "wofull lady" had left him (p. 378). She had gone to "the baths and weells in England" for her health's sake about April of that year[4], and perhaps she did not return. The earl divorced her on the grounds of adultery in 1684.

Menteith was more fortunate in his second wife—Katherine, daughter of Thomas Bruce of Blairhall—to whom he united himself before his divorce from Anna Hewes had been concluded; but she also left him for a time. A reconciliation was affected, however[5], and by 1688 the earl was blessing God for a good

(1) He was still interesting himself in the earl's personal affairs, however, as late as April, 1684. See Fraser, *op. cit.*, ii, 205. Cf. also p. 386 below.
(2) See Fraser, *op. cit.*, i, 429.
(3) *Complete Peerage*, viii, 676, *n.*(b).
(4) Fraser, *op. cit.*, i, 413.
(5) *Ibid.*, i, 414-416.

and virtuous wife (p. 394). When the countess died in 1692 he told Lady Graham that he could not grieve too much for the loss of her in whom he had had all his earthly comfort on this side of time (*ib.*).

About the beginning of 1679 were opened the negotiations, to which allusion has been made, for the marriage of Helen Graham and for the transfer of her uncle's estates and honours to the bridegroom. To the story of these, as told in *The Red Book of Menteith* and elsewhere, the present papers give interesting amplification. Fraser's narrative was based mainly on letters which passed between Menteith on the one hand and Claverhouse and Montrose on the other[1]; here are to be found the earl's sentiments freely expressed to his family as the situation developed, and the reactions of Sir James and his immediate circle.

The laird of Claverhouse, then a rising and ambitious young soldier of about thirty, made his approach to Menteith with the approval of the head of his house, James, third Marquess of Montrose (grandson of the great marquess); and to Sir James with the recommendations not only of Montrose and Menteith but also, as is here shown, of Sir George Mackenzie of Rosehaugh, the King's Advocate[2], whom Sir James had been asking to help him in his difficulties (p. 379). Claverhouse's first extant letter to the earl—undated but obviously of late 1678 or early 1679—is couched in terms of elaborate obscurity; but the writer makes it plain enough that not only the lady but the succession is his object[3]. To this Menteith makes no allusion in his letter to Sir James of January 26 (p. 380), but, since he was enthusiastic for the match, he presumably did not demur.

Of what happened in the months immediately ensuing there is little record, but Claverhouse's suit did not prosper. By November, 1679, it had been definitely rejected by Sir James[4], on what grounds does not appear. It is quite possible that Montrose, in spite of his initial backing, had already been at work to supplant his kinsman. In February he had informed him that "ane Yrish gentleman has caryed away the lady"[5] —news which (whether he believed it or not) he may have meant for a discouragement. Be that as it may, with Claverhouse out of the way the marquess was soon in the field. In November Menteith was already proposing a match for his cousin with "a very noble and eminent persone" whom he did not name[6]. Sir James asked time to consider the matter,

(1) *Ibid.*, i, 421-427; ii, 170-205. See also Charles Sanford Terry, *John Graham of Claverhouse*, pp. 45-48, 90-101.

(2) This identification of the writer of the letter referred to should have been made in the text.

(3) Fraser, *op. cit.*, ii, 170.

(4) *Ibid.*, ii, 176.

(5) *Ibid.*, ii, 172. At the beginning of 1678 a report had reached Scotland that Helen Graham had been married to a young Irish lord (p. 379 below).

(6) *Ibid.*, ii, 176.

but added: "My girl bids me assure you that she will desire your consent in her marriage" (p. 381). On December 4, in a letter which must have crossed his uncle's, the earl revealed the identity of the person he had in mind—"that most noble and honourable young lord my Lord Marquess of Montrose." "I take the boldness to propose," he went on, ". . . that if his Lordship would marry Madam Helen your daughter, who I hear say has a considerable fortune . . . for my part I would most willingly give over and resign to his Lordship, failing heirs of my own body, both my estate and dignity. Such I never in all my life before this writ or said the like conditions to none living" (p. 382). Were it not for the doubts cast by Lady Allardice on her brother's veracity as to his dealings with Dalrymple, this might be taken to prove that, as regards the succession, Menteith had not committed himself in any definite way to Claverhouse.

A little later the earl wrote to Helen Graham herself, extolling Montrose and commending the state of matrimony (*ib.*), and to her aunt, Lady Toxteith, to beg her assistance "in the concludding that desired and languished for happie match" (p. 383). This Lady Toxteith was Lady Graham's sister and one of Archbishop Bramhall's three coheiresses. She married an alderman of Dublin but at the date of these occurrences was presumably a widow, as she was evidently living with the Grahams[1]. It appears that part of her niece's "considerable fortune" consisted in what she would eventually inherit from her (cf. p. 386).

On the assumption that the match was as good as made the earl proceeded with the rest of his design. A disposition of his honours and estates in favour of Montrose was executed on February 15, 1680[2], and a signature for a charter was accordingly prepared. When this was presented to the King, however, he "flatlie refused it" as it stood: he would not allow the alienation of the dignities and the clauses relating to them must be deleted. A warrant to this effect was sent to the Lords of the Treasury and Exchequer in Scotland on May 20 and the warrant for the charter of disposition bearing the same date contains no mention of them[3]. Nor were the lands appertaining to the earldom of Airth included therein. All that Montrose was to get was the lands (the territorial earldom) of Menteith.

(1) In a letter from Claverhouse to Menteith, as printed by Fraser (*op. cit.*, ii, 202), she figures as "Madam Coxdeall." Whether the misspelling is due to the writer or the transcriber could only be ascertained by reference to the original.

(2) In announcing this to Sir James four days later Menteith told him that, failing heirs male of his own body, the dignity and estate were to go to Montrose's second son (p. 384 below). This is the only mention of such a provision. The disposition is extant to show that the grant was made to the marquess himself and the heirs male of his body. Actually he had only one son.

(3) See *Cal. S.P. Dom.*, 1679-1680, p. 486. Also, besides Fraser, the *Case of Robert Barclay Allardice Barclay-Allardice, esquire . . . claiming the Earldom of Airth in the Peerage of Scotland* (in the House of Lords, 1906), pp. 31, 32.

Meanwhile it was becoming questionable whether the marriage would after all take place. As early as February there was a note of anxiety in Menteith's letters to Sir James and his wife. There was some difficulty over the bride's portion, which it appears was to come out of Lady Graham's estate. "Let your lady stand not in doing that which is just," the earl wrote to Sir James, "for my lord is but too generous every way"; and he begged Lady Graham herself to "be not standing upon niceties" (p. 384). If things went wrong it would be the fault of Helen's parents "in stiking with a person of his merit and honor" (p. 387). The prospective bridegroom was in Menteith's eyes faultless, though "many great persons have done and will do all that lies in their power to put false aspersions upon that illustrious young gentleman" in order to keep him and the Grahams "at variance and discord" (p. 385).

This was in April, 1680; and in May Lady Graham was telling the earl that several persons had been trying to convince her "that from the very first, or ever my Lord came heare [London], there was noe designe of a mach heare but for my Lord Chancellor's doughter." She would not have given the least credence to "any such dreatfull wayes . . . wear it not for his Lordship's drawing off of late" (pp. 385, 386)[1]. Menteith did not believe the story. "Madam," he wrote, "I certanly know and am fully persuaded that my Lord is a person of so great worth and honour that he will not in the least derrogat or go from his faithfull promisse to marie yor daughter" (p. 387). At the same time he wrote a long letter to Montrose, asking for an explanation[2]. He already had a grievance against the marquess, who had not been answering his letters, though he had written him eighteen.

The story was true: Lady Christian Leslie, daughter and coheiress of John, first Duke of Rothes, Lord Chancellor of Scotland, and not Helen Graham, was to become the Marchioness of Montrose. According to the *Scots Peerage* (quoting the Buchanan muniments) the marriage articles were dated June 9, 1681. But on March 22 of that year a correspondent in Edinburgh told Sir James Graham that the marriage had taken place on the previous December 10. It had been kept secret and Menteith had only just been told of it. He was "exceedingly displeased." Later in the same letter the writer says: "My Lord Marquess's wedding holds this day in the Abbey of Holyroodhouse" (p. 388).

The remainder of this correspondence is largely concerned with Menteith's fruitless efforts to revoke the disposition of his estate, which, as he maintained, he had made under false

(1) For a clearer account of what passed between Montrose and the Grahams see the "certificate" drawn up by Sir James and his wife, at Menteith's request, on September 24, 1683 (p. 392 below).

(2) Fraser, *op. cit.*, ii, 180-182.

pretences[1]. At one time Montrose was apparently ready to come to terms. In March, 1683, Marian (Merion) Graham, Sir James's elder daughter, wrote to her father that she had been informed "that my Lord Mwntross wold be content to giwe him [Menteith] back his right for some mwnnie that hie his payed for him and his giweing obligment to giwe it to non bot of his own famlie, which hie will not condeshend to dow" (p. 389). About the same time the earl appealed to Sir James and Lady Graham to extricate the estate, which he proposed to settle on their daughter, but they replied that they were unable to raise the necessary money: Lady Graham's fortune had already been settled on Helen (pp. 390, 391). In August, 1683, Menteith was intending "to raise a summons of reduction and improbation of that disposition" (pp. 391, 392); but nothing came of it.

Montrose, however, never enjoyed the estate. He died in 1684, at the age of twenty-six, ten years before the earl. His son, the fourth marquess, in due course entered into possession. After Montrose's death Menteith remained at feud with his friends, whom he accused of having tried to hinder his divorce (p. 394)[2]. Yet in spite of the "invective rigorous dealing" of which he complained the earl was writing to the marquess as late as the summer of 1681 in terms of affection and adulation; sending cherries and elaborate compliments to the lady who had supplanted his cousin and begging Montrose to get him the loan of an earl's robes and a peaceable horse for the opening of Parliament[3]. It is true that the marquess was making some amends for his past equivocal conduct by trying to obtain for the earl the money which the King had so long owed him; but, in part perhaps as the result of his recurrent ill health, there was clearly in Menteith's character an element of instability which, as several letters here printed witness, was the despair of his relations.

Of the reappearance of Claverhouse in this troubled history there is nothing here apart from one not very illuminating letter to him from Menteith (p. 388). There is no reference to his curious dealings with Montrose, with whom Sir James Graham believed him to have been in collusion from the beginning[4]; or to the renewed courtship of Helen Graham in which he was again unsuccessful, although he professed himself ready in the end "to take that yong laidy . . . in her

(1) When on September 6, 1681, the Parliament of Scotland ratified a new charter of seisin of Montrose's honours and estates (including Menteith) which had been granted to him on May 2, 1680, the earl remonstrated. (*Acts of Parliament (Scotland)*, viii, 254-257.) It will be noted that this charter is dated eighteen days earlier than the warrant for the one granting the reversion of the Menteith lands to the marquess.

(2) Cf. Sir John Dalrymple's letter to the earl, written on the day of Montrose's death, in Fraser, *op. cit.*, ii, 205.

(3) Fraser, *op. cit.*, ii, 191-196.

(4) *Ibid.*, i, 426.

smoak "[1]. In 1682 Sir James's younger daughter became the wife of Captain Arthur Rawdon, who was soon to succeed to his father's baronetcy and was also heir to his childless uncle the Earl of Conway. The match had been in contemplation as early as May, 1679, but had been postponed when Claverhouse and Montrose appeared on the scene[2].

This correspondence ends before the death of the eighth Earl of Menteith in 1694, when his titles became dormant or extinct. Of the claims made to them in the eighteenth, nineteenth and twentieth centuries by the descendants of his sisters, Mary, wife of Sir John Allardice of Allardice, and Elizabeth, wife of Sir William Graham of Gartmore, it is unnecessary to say anything here. But, for the sake of the Hastings connection, reference may be made to a paper written by Elizabeth, Countess of Moira[3], propounding the right thereto of her husband's grandmother, Helen Graham, afterwards Lady Rawdon, and so, by natural descent, of her husband himself. It was contributed to *The Ancestor*[4] by Mr. F. A. Blaydes but Lady Moira's argument was succinctly disposed of in a note by John Horace Round. From a letter printed in the second volume (p. 394) of this report, however, it appears that in March, 1684, Menteith was still playing with the idea of making his cousin Helen heiress both to his estate and to his dignity.

FRANCIS BICKLEY.

(1) *Ibid.*, ii, 201.
(2) See *Cal. S.P. Dom.*, 1679-1680, pp. 150, 617, 629. "The young lady," wrote Sir George Rawdon, "who is very tall and well-shaped, is as likely a person to breed upon as I have seen this long time and is very handsome."
(3) See above, p vi.
(4) Number IV (January 1903), pp. 81-87.

CORRIGENDA ET ADDENDA

PAGE	LINE	
73	27	[1637, c. June.]. *There is an abstract of this letter, from the original, in* Cal. S. P. Ireland, 1633-1647, p. 160, *which shows its date to be* June 7, 1637.
78	25	[? 1638]. *Delete* ?
81	24	*Add: The original is calendared in* Cal. S. P. Ireland, 1633-1647, p. 212.
222	28	*For* [Nov. 13, 1610] *read* [Nov. 14, 1610].
227	5	*After* Crokes *insert* [Croft].
228	11, 12, 16, 17	*After* 20th, 21st, 22nd, 23rd *insert* [*recte* 21*st*], [*recte* 22*nd*], [*recte* 23*rd*], [*recte* 24*th*].
241	19	*For* theis *read* thus.
254	12	*After* Pensley *insert* [*recte* Painswick].
266	10 *from bottom*	*For* not *read* nor.
278	9	*After* Pensley *insert* [*recte* Painswick].
284	11 *from bottom*	*After* Rich. *insert* [*recte* Henricus].
285	2 *from bottom*	*After* Ed : *insert* [*recte* Thomas].
286	2	*After* Dominus Hen : Herbert *add* [?].
287	11 *from bottom*	*After* Edward *insert* [*recte* Charles].
289	13	*In blank space insert* [Sir Stephen].
289	14	*Delete* [sic]. *After* Leiours *add* [Lisure *or* Leisure].
298	18	*The document numbered* *(ix) *should have been numbered* *(vii), *so that all the succeeding documents should be put back two numbers.*
379	29	*Before* GEORGE *insert* [SIR]. *After* MACKENZIE *insert* [of Rosehaugh, King's Advocate].
387	23	*For the note printed substitute: For Menteith's letter to Montrose, mentioned in the first paragraph, see* The Red Book of Menteith, ii, 180.

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PAGE	
402	Buchan, Earl and Countess of. *See* Erskine . . . *Add* William.
403	Butler, James, 12th Earl, etc., of Ormonde. *Delete* 78.
408	Clogher, Bishop of. *For* Leslie *read* Lesley.
409	*Add* Congleton, Cheshire, 78, 81, 82.
417	Erskine. *Add* William, eighth Earl of Buchan, 374, 375.
417	Feilding (?). *Delete* (?).
420	*Add* Goring, George, 1st Earl of Norwich, letter to, mentioned, 94.
421	Graham, (?) Marian. *Correct to* Marie.
423	Hall. *Delete* Joseph, Bishop of Norwich, letter to, mentioned, 94.
435	*Add* Leiours. *See* Lisure.
436	*Add* Lisure *or* Leisure (Leiours), [Sir Stephen], bill for naturalizing, 289.
438	*Add* McAllan, Patrick, letter from, 388.
439	Mackenzie, George. *Read* Mackenzie, [Sir] George, [of Rosehaugh, King's Advocate].
440	Maning, Captain. *Add* Henry.
443	Mordaunt, Charles, Earl of Monmouth, etc. *Add* 315.
445	Norwich, Bishop of. *Delete* Hall, Joseph.
445	*Add* Norwich, Earl of. *See* Goring.
447	Ormond, co. Tipperary. *Add* 78.
449	Pell. *Add* (Pels).
458	Taylor, Walter. *For* 29 *read* 30.

MANUSCRIPTS

OF THE LATE

REGINALD RAWDON HASTINGS, Esq.,

OF

THE MANOR HOUSE, ASHBY DE LA ZOUCH.

XI. CORRESPONDENCE OF SIR JOHN DAVIES, SOLICITOR GENERAL FOR IRELAND, 1603–1606, ATTORNEY GENERAL FOR IRELAND, 1606–1619.

W[ILLIAM] RAVENSCROFTE to SIR JOHN DAVIES.

1603[-4], Feb. 13. Lync[oln's] Inne.—"I am very glad my dissuasive letters, derived from my true affection unto you and your sweet conversation, took no other effect than they did, especially since things sort so well with you there as I understand they do, and are likely to increase daily, if it be true which I hear, that your brass shall be turned to silver. Your Chief Justice, Sir James Ley, is with us at Lyncolns Inne and longs now to be amongst you, but stays upon news by his servant. Your old *intimus* is serjeant this term, Mr. Dodrych, and two old serjeants made justices, Williams and Daniel, to add a casting voice to the former number of judges. The Parliament is to be holden the xixth of the next, which will perhaps make your justice stay somewhat the longer. There was not so much saying for knighthoods at the beginning as is now for baronies. Some I doubt not but we shall have, but I think not very many. My man hath written one creation for the King's hand already, for Sir Oliver Cromewell: at whose house the King is I think at this instant. Garter Dethyk is displaced for insolent carriages, etc., in the embassage of my Lord Spenser to the Duke of Wittenberg, and Norray made Garter; St. Georg, Norray. The plague is, God be praised, well abated, under 100 of all diseases. The next summer (thus advised) I will spend one fortnight amongst you at Dublyn, and see Sir Rafe Bingley, my cousin and our old friend, to whom I pray you heartily commend me and love him a little more for my sake; as also Mr. John Bingley who is towards my Lord Deputy. We shall want you exceedingly this Parliament. *Cui libera mens, cui libera lingua: liberiorque manus.* As any occasion shall happen worth the writing, I will be bold (after my rude manner) to pour it into your bosom,"

EGREMONT THYNNE to SIR JOHN DAVIES.

[c. 1604.]—"I have been according to your direction with my Lord of Kinlosse, who is so much troubled both in his feet and hands with the gout as that he is in no case to write. But he commends him unto you, and saith that you shall shortly hear from him when he is better able. Ro[bert] Jacobbe hath prevented me of all my news, otherwise I could have written to you in a larger volume: only thus far I can answer one point of your letter, that whereas you write the plague hath driven you from Dublin into the country, it is here doubted that the countrymen shall be driven unto London, where there is great likelihood that it shall cease. But for the country, the infection is already so far spread, as that I know no good town westward clear of it. Mr. Attorney [Coke] hath set forth another volume of the law,(1) which I think you have already; if I could hear to the contrary I would not fail to send it, together with an abridgement of all his four books, which is not yet extant, but I understand it is in the press. Moreover, if you have any use of our English statutes, I will send you this last Parliament as soon as it comes forth. I pray you let me know what books you want, whether these or others. I have sent you Sir Francis Bacon's apology(2) to serve you for an hour's recreation. Kinge the fool calls it the philosoter [*sic*] of his wit. The Bishop of Bristowe(3) hath set forth a pamphlet of the union, wherein he declared his firm belief that all the reasons of the Lower House were of no value, but had not the King been herein a defender of the bishop's faith, he had been severely handled. The book is suppressed, that I cannot possibly come by it. Only I remember he concludes that our island is called Albeon, *quasi* All be one." *Signed.*

SIR OLYVER ST. JOHN to SIR JOHN DAVYES.

1605[-6], Jan. 4. London.—Desiring his favour for the passing of the writer's patent as Master of the Ordnance [in Ireland].

ROBERT, first EARL OF SALISBURY, to [SIR JOHN DAVIES,] Attorney General [for Ireland].

[? Nov., 1606.]—"I have received from you so good a relation of the proceedings in both your circuits, as I must confess doth yield me very great contentment; first because I see it is sperable by a Christian policy without rigour or exorbitant charge to work some of those happy effects in the land of Ire, which are found in the land of promise; next because you have

(1) Presumably the fifth part of the *Reports*.

(2) *Sir Francis Bacon . . . his apologie in certaine imputations concerning the late Earl of Essex*, 1604.

(3) John Thornborough. His pamphlet was *A Discourse plainly proving the evident Utility and urgent Necessity of the desired happy Union of England and Scotland*, published in 1604.

so perfectly described, or rather anatomised, all those parts wherein you have travelled, and the disposition of the people, as will give me more light to direct my counsels upon many occasions than any other kind of advertisement—no one thing (I protest) setting nearer to my heart in the place I hold, than to behold so fair fruits ungathered for want of good manuring in those fields where zeal and industry may return such a harvest of plenty and safety. But, Mr. Attorney, this is a little improper for me that should rather speak of things to come, wherein I must needs acknowledge the hope I have in the goodness of his Majesty's ministers now placed, to spend time in looking upon the prints and marks of errors of former times, and therefore I pray you interpret it to proceed rather from the desire I have to make you discern that I do highly approve this change by comparison, than that I would in any sort be judged to undervalue the comfortable expectation I have of the cares and pains of you and others, his Majesty's ministers. Wherein although I go not about to persuade you to continue for my sake, knowing that you do well for love of welldoing, yet I take myself bound in the duty of an honest man, to promise you to represent your good endeavours in as good a form for increase of your good opinion with his Majesty as shall lie in the power of your loving friend." *Signed. Undated and unaddressed.*

This appears to be in answer to Davies's letter of Nov. 12, 1606. *See* Cal. S.P. Ireland, 1606–1608, *p.* 14.

Sir Thomas Ridgeway [Treasurer at War in Ireland] to Sir Neil [Niall Garv] O'Donnell.

1608, May 20. Elough.—Your letters require confirmation of my love, and expedition in returning Mr. Marshall's answer. The latter you cannot but well accept of, whereas you shall see it performed the very hour wherein yours was received here by Mr. Marshall, Sir Oliver Lambert and myself. Of the other you may likewise assure yourself by these my letters ("my honest pride and plainness being too much to write to any whom I regard not") as also by my promise to further your reasonable demands, whereunto you cannot make a better way than by your honest service to his Majesty upon this and all future occasions, "which I wish to be speedy, faithful and without halting." Concerning your demanded protection I desire you to call to mind all the late passages in that kind, and then I doubt not but you will more plainly find your own error; and clear all others. When we came to the Lyfford we found a former promise made of a pardon to yourself, etc., by letter from the Lord Deputy, yet you have since acquired a written protection from Sir Richard Hansard alone; the like afterwards from Sir Richard and Captain John Vaughann; fourthly, a verbal confirmation thereof by Mr. Marshall; fifthly, a written protection from Mr. Marshall; and now lastly a sealed protection from him. "The ready and indeed unnecessary granting whereof,

so often, so near, one upon the neck of the other, and for one and the selfsame cause, and that also without any new encouragement given by your late service on this late occasion, I pray (good Sir Neale) impute not mistakingly to fear or flattery, but to your own importunity, and as echoes only to the first of that kind, either of them being sufficient to serve any indifferent honest man's turn without addition of the latter. We neither fear Sir Neale Odonell, nor need him if he be ill affected, or if he come slowly or too coldly on, but will love him as long as he loveth the King, our master, and shall be found ready to his service, for though we have but a little army, we have a great God, a good cause and a mighty king, yet if you come with a good heart, you shall be welcome with all our hearts." Touching Sir Oliver Lambert's or my subscription to this present protection (the last of four or five within fifteen or sixteen days), Mr. Marshall is armed with sole authority in these causes, so we cannot intrude ourselves therein, though we mean to counsel and to fight as often as there shall be occasion; "yet this much (which is more indeed than the bare subscribing of my name) I do testify and declare here under my hand and seal, that I confirm, allow and approve the protection signed by Mr. Marshall for yourself and the forty-three others this present 20th of May 1608, with the like limitation only, which is or ought to be therein contained, viz., if you or they are not guilty of the late treacherous and bloody stratagem at Cullmore or the Derry. At your coming you shall find some project for your good, if you take hold of it accordingly, and deserve it by any true-hearted service." *True copy.*

Endorsed: "If Sir Neale obtrude any word or promise of mine, and that yet he will not show my letter; then you may demand of him whether I ever wrote to him but once (as indeed I did not) and from whence and when; as also by whom (which was by Lyneall his secretary) and show this true copy verbatim."

This true copy was presumably sent, and the endorsement addressed, to Sir John Davies.

SIR ROBERT JACOB [Solicitor General for Ireland] to SIR JOHN DAVYS, at Pumpe Court, Middle Temple, London.

1608[-9], Jan. 16. Dublyn.—I have written two or three letters to you and have received no answer. The greatest news here is that the Lord Chief Baron is Chief Justice and the Recorder of Dublyn is Attorney. This the town believes so confidently that they are not to be removed from it. "We have had a merry Christmas, dancing, masking and play by the tailors of St. Patrick's, most tailorly acted before the King's deputy. The inhabitants of Patricks Street have struggled with the Mayor and the Trinity Guild (Yeld) at the Council table for taking away of their goods out of their shops in a riotous fashion. The Council have awarded them their goods again, but they are enjoined not to sell them in St. Patrick's

nor in any other place wherein the city or guild do claim any liberty. Methinks the word (Claim) reacheth very far. We expect daily to hear from you what we shall do with Neale Garvy and the rest of the traitors in the Castle, for without direction we may not proceed against them. The kingdom, thanks be to God, is quiet, not so much as a voice of the return of any of the fugitives. There is good hope of getting young O'Hanlon's head very shortly, if he that is employed in the business do not run out into rebellion with him. We do all long to know in what sort they will establish the North. I pray you make haste with it, and bring over the coif with you if there be a call of serjeants this term." The Lord Chief Baron has given his opinion against Sir John Jephson, whereat I marvel. . . . I pray you get the judges' hands to the case, for it concerns the King very much.

Postscript.—"This great wind hath blown down a part of the roof of the Inns, so as it is a question whether the sheep or the lawyers shall common there this term."

HUMFREY MAY to SIR JOHN DAVIS, Attorney General for Ireland.

[? 1609,] April 3. London.—You shall receive by Mr. Bradley his Majesty's letter for a grant of a book of 100 marks sterling in fee farm. It is somewhat less than you desired and much less than you have deserved, but considering the misses of other men and the extreme difficulty of this time, you have not much cause to complain either of your fortune or of the endeavours of your friends. Touching Lord Awdlye's business, which you commend to me, I did my part in it. It was resolved, it was passed all danger to my seeming, and yet it stuck in the end. The Lord Deputy took occasion in a letter to me to make honourable mention of you. It came to the King's sight very seasonably and availed you very much in your business. Sir Toby Calfield was a great courtier here, and in my hearing gave a liberal testimony of your service to the King, divers of the lords being present. His Majesty, in whose favour you hold a high place, commanded me to write that he knows you will be careful in passing particulars which are not in charge, to avoid clamour and disturbance of any of his subjects, by dealing with the owners of lands with their own consents.

GEORGE TUCHET, eleventh LORD AUDLEY, to his son-in-law, SIR JOHN DAVYS, at Dublin.

1609, Dec. 15. Chester.—"Your prayers (it seemeth) were worth the hearing and were therefore heard of the heavenly hearer; for our passage was good, better and best of all. Therefore pray still, and we will pray with you that it may please the ever living God to bless us all everlastingly. I will not leave my daughter until I have brought her to her desired

place of rest, which is bounded; but my love towards you shall ever be boundless, and so shall rest in assuredness of loving yours never to be removed."

SIR ARTHUR CHICHESTER [Lord Deputy of Ireland] to SIR JOHN DAVIS, Serjeant at Law and Attorney General for Ireland.

1612, Aug. 14. Dublyn.—I am much comforted with his Majesty's gracious acceptance of my letters and shall carefully observe his directions for my future carriage in matters of advertisement. I have written to you touching the escheated countries of Wexford. I am glad the Parliament is put off until February, "and though there be but forty days for the summons, I wish that all men might know that a Parliament is intended presently, that such as it concerns may provide themselves accordingly, who otherwise will excuse their defects for want of time, I doubt not.

"For the place to hold it in, I have thought of the King's castle as the fittest, where the lower hall may be prepared for the Lower House, and the presence and withdrawing chamber, being made into one room by taking down the partition, will serve for the Lords; but I will not put this work in hand until what I have conceived fit receive allowance there, but I cannot think of any place about this town so convenient.

"In making of the borough-towns I find more and more difficulties and uncertainties. Some return that they are but tenants at will and pleasure to certain gentlemen who have the fee farm or by lease for a few years, so as they are doubtful to name themselves for burgesses without the landlord's consent, and the landlord is of the Church of Rome and will return none but recusants, of which kind of men we have no need and shall have less use. Some other towns have few others to return than recusants, and others none but soldiers, so as my advice in that point is that you bring direction and authority to make such towns boroughs only as we think fit and behoveful for the service, and to omit such as are named if they be like to be against us, and to enable others by charter if we can find them answerable to our expectation, albeit they be not in the list sent thither by the Lord Carewe, nor returned as allowed there.

"I send you *two or three letters*[1] of those I received in answer of mine touching this matter to peruse, by which you may judge what the rest are. I wish we might carry it and prevail in the matters to be handled in this Parliament as is behoveful for his Majesty's service and good of the kingdom, but I doubt there will be great opposition to all that is good, and we must encounter them the best we may. I have received a letter from the King's Majesty written upon the complaint of Thomas Hoare of Wexford and another from the Lords upon the

(1) *In the margin:* "I pray bring the letters back with you or send them."

complaint of Walter Sinnett. If his Majesty and the Lords of the Council thought me not an honest man, those letters would run in another style, for if what they have said were true, and that they had made me to know it before they presumed to trouble his Highness and Lords therewith, I were either a careless or dishonest governor if I did not punish the offence and reform the abuse. Many of this people are of so ill condition that they care not what they say in the defamation of their adversaries, how untrue soever, if it serve their turn but whilst the tale is a-telling. If ear and credit be given to what they will inform he is in a miserable case that governs here in chief or inferior place, but both tales heard I wish that the faulty party may receive severe punishment, for I am as ill a supporter of a misdemeanour as any man that ever held my place. I pray hasten your return with what is fitting. I will forbear to move for a dispensation of Poyninges' Act, albeit I think it very necessary that it should be so, fearing lest some other construction would be made thereof and I did ambitiously seek it." I wrote to the Lord Chancellor that you would acquaint him with what is fitting and requisite for that despatch which I besought him to further.

SIR ROBERT JACOB [Solicitor General for Ireland] to LORD ——— [? HENRY, first EARL OF NORTHAMPTON, First Commissioner of the Treasury].

1612, Oct. 29. Dublyn.—Project for diminishing the King's expenses in Ireland.—The yearly revenue is about 24,000*l.* English. The charge payable out of it, in wages, entertainments, etc., is 13,000*l.* Out of the treasure sent from England the charges are, for the entertainments of the Lord Deputy and other officers general, 6,000*l.*; for the entertainments of the Lord Presidents and other officers provincial, 3,000*l.*; divers pensions, 1,500*l.* These expenses cannot be abated. The matter whereon we must work must be the following:—

The entertainments of captains of horse and foot, 20,000*l.*; 40 wards in divers parts of the kingdom, consisting of 40 constables and divers warders, in all 500 men, 6,300*l.*; pensions by establishments in recompense of service, 3,600*l.* Total, 30,000*l.* a year.

Reasons for not casting the army, though at present it does little good: (1) the opinion of the King's enemies abroad, (2) the rebelliousness of the Irish, (3) need for protecting the undertakers in Ulster, (4) need for enforcing the King's laws. The army should consist of 3,000 foot and 300 horse at the least, all Englishmen, to be raised in England at the charge of the counties; the King only paying transport. Necessity of strict discipline, and punishment for oppression of the people.

The maintenance of this army should be charged generally, at a proportionate rate, on the whole kingdom of Ireland. This would be no innovation, having been used in Sir John Perrott's

government. The people never murmured. They might be relieved of the composition which was granted to the Queen and her successors in lieu of cess of soldiers; this only amounts to 6,000*l.* a year. By this project the King will save above 20,000*l.* a year, which was spent to little purpose, and have an army of chosen men, which will be a good nursery of captains and men of war. Also, the pensioners by establishment above-mentioned might be compelled to serve according to their places and qualities, receiving their entertainments from the country; if their pensions amounted to more than the rate, the difference to be paid by the King. All the wards should be cast and the captain of each made captain of 100 or 50 men, to be stationed where the ward now is or elsewhere. Thus the King would be eased of an unnecessary charge, "for those petty wards are but scarecrows in time of peace, and in time of war they can do no good."

If this project take effect, some cause must be devised to bring money into Ireland instead of the treasure formerly sent to pay the army, otherwise there will be great scarcity of money. A good understanding gentleman called Captain Edward Hayes has a project for a mint to be erected in Ireland, which would draw bullion and silver from other countries. If you want to confer with him about it, his house is near the west door of Paul's not far from the Bishop's gate. He "can invent as many good projects and overtures for his Majesty's profit as any man in England." He was the first that projected bringing copper money into Ireland.

My notes for the advancement of the King's revenue I will reserve for some other time. Thanks for writing to the Lord Deputy, recommending me for the Attorney's place when Sir John Davys shall be removed. The Lord Deputy embraced the motion most willingly. I beseech you move the King in that matter. "I have served these seven years for Rachell, and I should have worse measure than Jacob had for Laban, if she should be given to another." 15½ *pp.*

Sir Robert Jacob to [? Henry, first Earl of Northampton].

1613, April 12. Dublyn.—Means of improving the King's revenue in Ireland.—When I first came here, above seven years since, the revenue was not above 13,000*l.* or 14,000*l.* a year. We have increased it, by drawing concealed lands and rents into charge; by reviving great numbers of tenures *in capite*; by enhancing customs, poundage and impositions to a better value; by taking a more strict accompt of the composition rent; by settling divers Irish countries, reducing them to be holden of his Majesty by English tenures and receiving good rents thereon; by letting the fishing in arms of the sea and navigable rivers; by drawing the profit of the Great Seal into charge; by setting fines on original writs; by laying fines certain on

all that are pardoned for treason or felony; etc.: so that the revenue is now about 24,000*l.* Of this, near 1,500*l.* has been granted away by direction out of England.

If the collection of the customs were better looked to, various licences and leases (specified) resumed, a reasonable imposition laid on corn, hides and pipestaves, the custom of 6*d.* on a barrel of herrings revived, and the rent of 20*s.* on a tun of prise-wines payable by the Earl of Ormonde put in charge, so that the benefit of the customs, subsidies, poundage and impositions might wholly redound to the King, they would yield him 14,000*l.* a year instead of 4,000*l.*

The authority of licensing to draw wines is lately granted to the Lady Arbella for certain years. This is said to be worth 1,500*l.* a year, but the true value is not yet known. At least 1,000*l.* a year might be made by recognisances from alehouse-keepers to keep good order in their houses; to be renewed half-yearly at 2*s.* for each recognisance and 6*d.* for the clerk. 400*l.* or 500*l.* a year might be made from licences to make and sell *aqua vitae*. But because the profits of these three last are to be drawn from the poor subjects, it is against my proposition; therefore I only point at them and commend them to your consideration. "Neither would I have his Majesty rake over the kingdom for aid to make his son knight, nor to marry his daughter; for it will be a general trouble to the whole realm, and when it comes all together, it will be but a trifle to the King in comparison of the great damage and vexation it will bring to the subject, both in payment of the aid itself, and in the extortion which will be committed by the officers in the collecting of it."

The impositions on tobacco and measuring salt are farmed out already for about 100*l.* a year. There cannot be any great improvement made of these, and I do not see that the lessees make any great commodity of them.

The composition rent of Munster comes to about 1,200*l.* a year. It might be increased 200*l.* by repealing divers freedoms and drawing those lands, which have been evicted from the undertakers, under composition.

The composition of Connaught, which is 3,300*l.*, might be increased 500*l.*

The compositions of the English Pale, Wicklow, King's County and Queen's County cannot be improved.

The composition has not yet been laid on the lately escheated counties of Down, Antrim, Wexford and Longford, and on the rest of Ulster. It will amount to 4,000*l.* a year.

The provision of carriage horses which all noblemen, gentlemen and freeholders of the English Pale are bound to make whenever the Deputy makes a general hosting or great journey into the North or any other province might be turned into a yearly rent; the Deputy and his company to provide their own carriage horses. This might be raised to 500*l.* a year at least.

An Act is to be passed this Parliament for settling chantry lands on the Crown. A rent of 500*l.* for them may be reserved to his Majesty.

Concealed lands in Connaught, Munster and Leinster to be held of the King will bring in 2,000*l.*

First-fruits and 20th parts of bishoprics, etc., may, by strict collecting, be increased	1,000*l.*
Profits of benefices during vacancy	500*l.*
Fines for faculties and dispensations	400*l.*
Fines for pardons of treason or felony	1,000*l.*
Fines in the Star Chamber (always assessed too low)	2,000*l.*

The Deputies have always disposed of the King's wards under the degree of noblemen to their own commodity. This should be reformed.—Proposal for setting up a responsible officer.

If a mint were set up and the standard about 2*d.* in the shilling baser than that of England, the kingdom would be full of money and would soon be able to yield good subsidies as they do in England, which would fill the King's coffers. The benefit could not be less than 6,000*l.* a year.

The total increment, besides the mint, will thus be 22,600*l.* a year, or including benefit from wards and wine, alehouse and *aqua vitae* licences, etc., 28,600*l.* "All which being carefully looked unto by the officers to whom it shall appertain will make this kingdom a noun substantive.

"To perform this service, it will be necessary that his Majesty do rouse up our dead spirits with a quickening letter, signifying his express pleasure that he will have his revenue here improved to the best advantage that may be made of it, always having respect to his own honour and the convenient ease of his subjects. Otherwise, in regard it concerns some of the best of the state here in their greatness and commodity, if I should move to have these projects put in practice, I should be answered with neglect, and if I should press it earnestly, I should be thought a busybody in meddling with those things which (they will say) appertain not to my office. But I am persuaded I should do the King very good service if I were made one of the commissioners for the accompts here as our Attorney is. . . . I doubt not but I should give impediment to the passing of divers unreasonable reckonings, which, as I am informed, are now suffered to pass without controlment."

And now to leave these matters of the King's profit, let us think of some other things that concern the general good of the commonwealth. It is reported here that his Majesty purposes to send over a new Deputy after the end of this Parliament; which I the more easily believe, because now his Majesty and the Council seek to inform yourselves of the true state of this kingdom (which has of late been as much as might be concealed from you) you will find it inconvenient that any Deputy should continue here above two years, or three at the most. Give

me leave to describe what kind of man, out of my long observation of the carriage of affairs here and of the natures of the people and other circumstances, I have found most fit to be his successor in this time of peace.

" The Deputy should be a man of great honour. He should be an earl, or a baron at least; for the Irish cannot so well endure to be governed by men of mean rank or quality.

" He must not be poor, for then he will be apt to be corrupted; nor of a covetous nature, for then his griping mind will produce but an unjust government; but he must have a good estate of his own, and be liberal and careless of money.

" He must not be one that will set up his rest to settle an estate here, for then he will collogue and curry favour with the Irish (which hath been the bane of this kingdom) because he and his posterity must live amongst them.

" He must not be a soldier by any means, for then his government will be turbulent and irregular, which will hinder the growth of the commonwealth, and his company, presuming upon their captain's power, will oppress the people, which will encourage others to commit the like; and then the Deputy will be unwilling to punish the extortion of others, because himself is guilty of the same offence.

" He must be a man that by his own experience understands the ordinary proceedings of the laws of England, and that is well acquainted with the civil government there; for so shall he be the more able to give direction for the government of this kingdom, which is to be squared by the model or pattern of that other. I am of opinion that a good wise understanding lieutenant of a shire is fitter to govern this commonwealth, as it now stands, than the bravest soldier in the world.

" He must not continue in his place above two years, or three at the most. They are all good the first year, and worse the second, etc.

" No man should be Deputy twice, for that will make his [*sic*] as bad in his later government as if he had continued in it still, without intermission.

" It is not material whether he know every corner of this kingdom, and every man's face, or not; so he know justice and how to do right when matters are brought before him; for overmuch particular knowledge of the faces of men begets partiality and respect of persons.

" He should be resolute, and no coward; for a timorous or doubtful man will never perform any extraordinary service.

" There may be picked out divers such men as I have described, in England; and whosoever hath many or any of these defects is not fit to be chief governor of this kingdom."

The Archbishop of Armagh is dead. In this kingdom the fittest man to be his successor is Doctor Hampton, Bishop of Derry, who came over but last summer, but has gained the opinion of a reverend wise prelate, a good divine, and an

exceeding honest man. Besides he is unmarried, and therefore more unlikely to spoil the Church and impoverish his successors as most of the bishops have done and continue to do. "They cry out in the pulpits against covetous patrons, that they rob the churches; but the truth is, the clergy themselves are the only church-robbers; for, what to pay the fine for their income and to leave an estate to their wives and children, they pill the church so bare that they leave almost nothing for their successor." The King gave this last primate, within these three years, 33,000 acres of good land to uphold the dignity of the archbishopric, and he leased it all for sixty years to his children and to the Deputy and his friends at 500*l.* a year or thereabouts. If it had been let to a great number of men for eight or ten years at the rates usual in those parts it would have yielded above 1,500*l.* a year, which with the rest of the lands and jurisdictions of that archbishopric would have been worth 2,000*l.* a year. Some course must be taken either by proclamation or Parliament to restrain the alienation of Church lands, "otherwise the decay of the revenues of the Church will be the subversion of religion and of the service of God. It is recorded in the ecclesiastical histories that the persecution under Julian the Apostate did much more hurt to the overthrow of religion than that of Dioclesian, and yet both intended to have extirped all the professors and preachers of the word of God. For it is said that *Dioclesianus occidit omnes presbiteros*, and yet notwithstanding religion flourished, for *Sanguis martyrum est semen ecclesiae*. But it is said that Julian spoiled the spiritual men of their revenues, and took from them and their successors all their means to live, and thereupon in short time ensued great ignorance of true religion and of the service of God, and so consequently a wonderful decay of Christian profession. Whereupon the history saith that *Julianus occidit presbiterium*; for by taking away of their living he took away the life and soul of the ministry, which was a greater maim to religion than the killing of the ministers themselves. There is no prince in Christendom that hath given so much of his own land to the Church as our good King hath done to the churches of Ireland within these four years, and yet the greatest part of it is stated out already for sixty years, even by the same bishops that received it from his Majesty; so as their successors in two or three years shall not receive the third penny of the yearly value of it, which is contrary to the pious and religious intention of his sacred Majesty, who intended the establishment of a continual maintenance to the Church forever, and not the enriching of a few private men and their particular friends. But the best is, the Dean and Chapter of Ardmagh have not yet confirmed those leases made by the primate, and so those leases are avoidable by this next successor at his pleasure. And I hope there will be care taken that he and his successors shall be restrained from confirming those estates, and from making

any other, for above ten years. And yet there will be great labouring to have those leases confirmed, because most of them are made to the Deputy and his friends."

The writs of summons for the Parliament were sent out on Good Friday; amongst others for the Lord Barrey, the Lord Coursey and the Lord Bourk. Whereas those three gentlemen that take upon them those titles are no barons, but lords of my Lord of Thomond's making. The Lord Barrey, Viscount Botevant, has an elder brother living, who, though none of the wisest men, is such a person as by law can keep the title from descending upon his younger brother. The Lord Coursey is not able to prove his pedigree. For fifteen years after the last Lord Coursey's death, this man, being then almost forty years old, would not take the name; "until at length in the war time, to raise up a party of our side against some other pretender that then was in rebellion, they set up this idol and gave him the title of my Lord Coursey in jest, he being then a very poor man," and at this hour he has not 100 marks a year besides 100*l.* pension from the King. As for the Lord Bourk, one of his elder brothers has a son and heir living in Ireland; but he being an infant of a year old when his father was slain, this man assumed the name of Lord Bourk, alleging his nephew to be a bastard. But the writs were not directed to them by their names of baptism, but generally "Dño Barrey, Vicecomiti Butevant, Dño Coursey, Dño Bourk." These three gentlemen are most perverse in their opinions, and if we call them to this Parliament we call three voices the more to oppose all things propounded for the good of the State. I opposed sending the writs but our state thought fit to send them and purpose to determine their titles in Parliament. Lord Thomond can satisfy you concerning these pretenders.

The truth is, there are too many Irish lords already, and now you have a means offered to take away two or three at once, I think there could not be better service done. For the noblemen and gentlemen begin to be oppressors and endeavour to draw the dependency of the people upon them, as the Irish lords of countries formerly did; which course, if it be not interrupted, will be the overthrow of the commonwealth.

There has of later times a usage been observed here, that the nobility of the Upper House use not to deliver their voices openly as in England, but secretly in the Lord Chancellor's ear, who certifies the House which way the most voices went. This proceeding is derogatory to the dignity and liberty of the House, favours timorousness and corruption, and is subject to abuse, and in truth is merely against the law. It was begun by ourselves in the broken times, when we had procured divers of the nobility underhand to give their voices for us which durst not deliver the same publicly. I fear it will now be returned upon us to our loss. For I think there are divers bishops, which durst not openly oppose the proceedings of the state, and yet privately

in the Lord Chancellor's ear will not stick to give us a blow, presuming that we shall never know who hurt us. I advertise you of these occurrences, that you may hinder or further them as you find cause. 20 *pp.*

Marginal notes apparently in the Earl of Northampton's hand.

GEORGE, eleventh LORD AUDELAY [AUDLEY], to ARTHUR, LORD CHICHESTER, Lord Deputy of Ireland.

1613, May 12. Omaghe.—I perceive by your letters that his Majesty has required you to call me by a writ of summons to this present Parliament. I had rather die than disobey his Majesty, yet cannot but confess that I find it much contrary to my mind that having taken place before all the barons of England at his Majesty's first coming to the Crown I should now in a place so public as a Parliament be placed inferior to all barons and in a kingdom far inferior to England; which would seem strange to all English and would cause both Irish and English to judge me base or, if anything better, very foolishly ambitious. Yet I will submit myself to your better judgment and will lay my head at the foot of any when his Majesty shall command me. But I humbly crave that my absence may be excused or, if the place may be supplied by a proxy, I entreat my Lord of Tomounde to do me that favour; and if the earl be absent, I crave you to dispose of my voice to such an one as will best employ it to his Majesty's service, for so should I be inclined were I in place. If I either show myself rude or unbecomingly bold, it is and shall be in your power to command me to mend it.

SIR ROBERT JACOB to LORD ———.

1613[-14], Feb. 28. Cavan.—My circuit is into the counties of Cavan, Fermanagh, Donagall, Londonderry, Tyrone and Ardmagh, the six counties in Ulster lately escheated to his Majesty. Those gentlemen you recommended to be undertakers in the barony of Loughtye, in Cavan, viz., Mr. Waldron, Mr. Butler, Mr. Fisher, Mr. Cragge and Mr. Claude Hamilton, have built and planted very well. I lay last night at Mr. Waldron's house, who has built a very fair house of stone for himself and 27 houses for English tenants and has made a very handsome village where there was not one stone laid within these twelve months, and intends to enlarge his own house a great deal more.

"This last week there were six or seven Popish priests in this county of Cavan, who brought with them from beyond the seas a cross which they say is of that very cross whereupon Christ was crucified. There came flocking unto them 3 or 4,000 people at a time and some gave sixpence, some more, some less; but hearing of our coming in the circuit they are gone away, and mean to go their circuit before us, possessing the people that

Tyrone will be here this summer with all the power the Pope and the King of Spain can make, and encouraging them to persevere in their religion and, when the forces shall be landed, to adventure their lives for their religion and to rebel against his Majesty. But we have done our best endeavours to stop their proceedings by sending directions privately to all the sheriffs in Ulster for apprehending of them, and it is very likely we shall take them."

There is no doubt that his Majesty has sent for the Lord Deputy to understand the true state of this kingdom and to confer with him about reform. Therefore I have thought good to present to you certain propositions, wherewith if you would acquaint his Majesty that he might charge the Lord Deputy with their execution, I should be in some hope to see this kingdom flourish. Otherwise, I fear it will never be good.

1. That a greater army might be established here, to be planted in garrisons according to my former project, and to be maintained half at the charge of the country.

2. That the abuses and extortion of soldiers may be reformed, and martial law be severely put in execution amongst them.

3. That his Majesty would write a sharp letter to the bishops, reprehending them for their negligence and corruption in keeping the profits of church livings in their hands and not providing competent ministers, and to proceed by way of excommunication against the great recusants to whom the penalty of 12*d.* a Sunday will not be sufficient to compel them to come to church.

4. "To compel all that are compellable by law to take the Oath of Supremacy, and especially all those that sue their liveries and pardons of intrusions, or hereafter shall have any pardon of life, lands or goods."

5. "To take a severe course against the priests and the relievers of them. There is a good law to pass against them this Parliament, but if they put not that law in execution better than they have done the statute of 12*d.* a Sunday for absence from church, it will be idle and to no purpose. Nay it will do hurt, for it will embolden them to break the law, when they see daily that the breakers of the law are not punished."

6. To be more sparing of pardons and protections.

7. "To make difference betwixt those that have been traitors and those that have ever been good subjects. And not to grace notorious recusants or any of the heads of the Papists, nor to suffer them to come at his [the Lord Deputy's] table, nor to resort to counsellors' tables so familiarly as they do; nor to flatter the Irish when they have offended; nor to disgrace honest Englishmen to content the Irish; for this kind of flattering and dallying with them hath made them despise us and our government."

8. "To prosecute the relievers of traitors and woodkerne with all diligence, for they are the founders of rebellion and the bane of this commonwealth."

9. "To make better choice of sheriffs, and not to put extorting soldiers into those offices, for they are a great oppression to the country and bring great scandal to the execution of justice."

10. "Not to take in known traitors or woodkerne upon a word, under colour of doing service; nor to pardon them by any means."

11. "To banish all suits from the Council Table which are fitter for the ordinary courts of justice."

12. "To compel the Irishry to live together in towns and villages, under the command of a constable, tithingman, or some other officer; and not to suffer them to live dispersed in woods and other uncouth places. And to compel them to use the English language and apparel, and to put their children to learn trades and occupations. For until we all use one language and one habit, we shall never have a kingdom of good subjects."

13. To disarm all the Irish and punish those that shall offend against the proclamation in that behalf.

These notes I have hastily set down on my journey, for which I crave your pardon and leave them to your consideration, to acquaint his Majesty with them or otherwise use them. These are the main defects in this present government, and unless they be amended the kingdom will never be reformed to any purpose. My wife has been a long suitor for some reward of my long service here. She has propounded for a book of concealments, but I feel not the effect of her solicitation. If you would give me your furtherance, I doubt not but I should obtain it, and thereby be the better enabled to do his Majesty service.

SIR ROBERT JACOB to SIR JOHN DAVYS.

1617, May 13. London.—"I am persuaded that (if you had been here before the remove) your own credit with the King would have carried the Solicitor's place, for I doubt not but you would have been so vigilant that you would have had good intelligence and so have prevented the secret labouring of Coventry, who got it by means of the great favourite of the time, without the allowance (or rather against the will) of the Lord Keeper; but by report it will cost him dear. Antony Ben got the recordership of London by the same means. *Fidemque, et amicos, et genus, et formam, Regina Pecunia donat.* Watt Pye hath gotten Snigg's circuit in Wales, and rode it this last Lent, and yet old Snigg lives and comes into the senate. He hath been tampering with Serjeant Bautry and others to put away his place of baron, but they say it is resolved there shall be but three barons of the Coif from henceforth. My Lord Keeper was waited on from the Hall to Dorset House

where he yet lies, in the bravest manner that ever I saw. All the lawyers and gentlemen of all the Inns of Court and Chancery went before him, and all the Council, the nobility, the judges, knights and gallant gentlemen about the town rode behind him in such a deal of bravery as is almost incredible. All the windows from Fleet Conduit to Westminster Hall were filled with ladies and gentlewomen, adorned, equipped and armed at all points for the purpose, and most of them ruffed and cuffed *or*, faced, gorged and papped *argent*, cheeked, lipped and tipped *gules*. His lordship is daily attended with fifty or sixty as brave gentlemen as any about London. I have dined and supped with him divers times, and I find him very noble and friendly to me, and ready to do me all good offices, and he often remembers you with the same affection as ever he was wont. At his first sitting in the Chancery, he made a long speech which consisted most of the ordering of that court, what course he meant to hold in his proceedings there, etc.; if there be any copy or notes of his speech to be had, I will send it you, or bring it with me, for I hope to come over presently. To-morrow Sir John Denham goes up into the Exchequer, and Serjeant Hutton into the Common Place, and Sir William Jones shall then be made a serjeant, but he will not be in Ireland before Trinity term. My Lord Chief Justice Mountague, who was said to be dead in his western circuit, is well and in good health and sits in court every day. Your lady is at her house in Chancery Lane and in very good health, and so are your children; and I am of opinion that if your son Jack were now put into the hands of some skilful man, he might be brought to speak. For he is wonderfully mended in his understanding of late, for he understands anything that is spoken to him without making any signs, so as it is certain he hath his hearing, and then the defect must be in his tongue. Your lady no doubt will use all means she may to recover him. This town yields no other news that I know."

XII. WARRANTS, PETITIONS, ETC., RELATING TO IRELAND: 1604–1618; 1634.

SIR GEORGE CAREY, Lord Deputy of Ireland, to SIR JOHN DAVIES, Solicitor General for Ireland.

1604, June 30. Leixlipp.—Warrant for a *fiant* of pardon (treason, tending to the destruction of the King's person, and coining of money excepted) to Edward Giles, prisoner in the gaol at Galway; inserting therein a proviso that it shall not extend to pardon any intrusions, fines of alienations, debts, arrearages or accounts due and answerable to the King. *Signed. Countersigned by* Francis Last.

SIR GEORGE CAREY to SIR JOHN DAVIES.

1604, July 3. Leixlipp.—Reciting the King's letters dated at Westminster March 22 last, whereby his Majesty—upon the petition made unto him by Sir Henry Dockwra, knight, that the town of Derry, "newly in the days of our late dear sister the Queen made a colony of English and now grown to have some good number of inhabitants," might be incorporated—required him and the Council to consult upon the matter and to cause a grant of such incorporation to be made "in some such manner and with such limits, liberties, privileges and immunities as may be least offensive to the Irish borderers thereabout and yet sufficient for the good government of the people there inhabiting, and for encouraging them both to manure the land and to traffic;" the said Sir Henry, who had employed long time and taken great pains in reducing those parts, to have "the chief government thereof during his life by name of our Provost, Mayor, Bailiff, or what other name or title you shall think most convenient as also that he have authority to nominate a Vice-Provost or other officer or deputy to govern the same in his absence." Warrant to make out a *fiant* of a grant of the King's letters patent for incorporating the said town of Derry, according to the true meaning of such recited letters. *Signed. Countersigned by* Francis Last.

SIR GEORGE CAREY to HIS MAJESTY'S SERJEANT, ATTORNEY and SOLICITOR GENERAL, or any of them.

1604, Aug. 4. Leixlip.—Reciting the King's letters dated at Westminster March 16 last, and addressed to the Lieutenant, Deputy and Chancellor of Ireland, requiring them to make a grant by the King's letters patent to Cormock McDermond and Henry his son, and to the longer liver of them, of the

reversion of the office of Serjeant at Arms of the province of Connaught and Thomond, with the keeping of all such prisoners as should be upon bond or under bond to appear at assizes and sessions general or particular in the said province, which office was then held by Richard Grafton or his assigns for his life, together with the reversion of the office of constable or keeper of the castle of the county of Galway, which John Williams then gaoler there held for his life, with all fees, etc., belonging to those offices. Warrant to make out a *fiant* of a grant according to the true meaning of such recited letters. *Signed. Countersigned by* Francis Last.

SIR GEORGE CAREY to SIR JOHN DAVIES.

1604, Oct. 28. Leixlip.—Having been advertised by Edmund Warren, one of his Majesty's Court of Exchequer in Ireland, of divers fines, issues and profits concealed and subtracted from his Majesty and his progenitors by divers of the King's widows in Ireland, who have married themselves without licence contrary to the tenor of divers statutes, the Deputy gives warrant to make forth a *fiant* of the King's grant to the said Edmund Warren and his assigns of a moiety of such fines as shall by his industry be discovered and received. *Signed.*

SIR ARTHUR CHICHESTER, Lord Deputy of Ireland, to HIS MAJESTY'S COUNSEL or any of them.

1604[-5], Feb. 11. Dublin Castle.—Warrant to make forth a *fiant* of a patent (pursuant to his Majesty's letters dated at Westminster Nov. 14 last) granting to Sir Edward Fisher, knight, a pension of 8*s.* sterling *per diem* during his life, to commence Oct. 1 in the first year of his Majesty's reign in England and to be paid quarterly out of his Majesty's treasure or revenue sent to Ireland or growing due out of the rents or receipts of that realm. *Signed.*

For the King's letters see Cal. S.P. Ireland, 1603-1606, *p.* 210.

SIR ARTHUR CHICHESTER to CHARLES CALTROPE, Attorney General for Ireland.

1604[-5], Feb. 13. Dublin Castle.—Warrant to make out a *fiant* of a grant (pursuant to his Majesty's letters dated at Hampton Court Sept. 29 last) to Robert Savage, in consideration of the good service done by him in the wars in Ireland and of his maims therein sustained, of a pension of so much sterling money current in Ireland as shall amount to 2*s.* English *per diem*, to be paid quarterly during his life by the hands of the Treasurer at Wars there. *Signed. Countersigned by* Geo[rge] Sexten.

For the King's letters see Cal. S.P. Ireland, 1603-1606, *p.* 199.

SIR ARTHUR CHICHESTER to SIR JOHN DAVIES.

1604[-5], Feb. 21. Dublin.—Reciting that Sir Harry Harrington had, by virtue of letters of *concordatum* dated at Dublin Jan. 27 last before the late Lord Deputy and Council, obtained a general release and remittal of all and singular the arrearages of rents, debts, duties and demands whatsoever contained and specified in the said letters, and that the same had been allowed and confirmed by the Barons of the Exchequer. Warrant to make out a *fiant* to pass and convey unto him all that was intended to be remitted by such letters and order of the Exchequer, with the usual articles, clauses, reservations and covenants, and to send the same to the Deputy fair written in parchment to pass his signature. *Signed.*

SIR ARTHUR CHICHESTER to SIR CHARLES CALTROP, Attorney General, or SIR JOHN DAVYS, Solicitor General.

1605, Oct. 2. Howth.—Warrant to draw forth a *fiant* of the constableship and ward of Dungarvan Castle unto Edward Cary, gent., to hold during his life immediately after the death or surrender of Sir George Cary, knight, now Constable of the same, with all fees, entertainments, profits and rights appertaining thereto—pursuant to his Majesty's letters dated at Westminster July 18 last, which are sent for their perusal to be afterwards returned—such *fiant* to be sent to the Deputy fair engrossed in parchment for passing the same under the Broad Seal. *Signed. Countersigned by* Geo[rge] Sexten.

For the King's letters see Cal. S.P. Ireland, 1603-1606, *p.* 306.

SIR ARTHUR CHICHESTER to HIS MAJESTY'S COUNSEL or any of them.

1605, Oct. 29. Howth.—Reciting that Edward Brooke, gent., who holds the office of Clerk of the Market throughout the whole realm of Ireland by letters patent of her late Majesty dated Feb. 2 in the forty-fifth year of her reign, with the fee of 10*l.* yearly for the execution thereof, has made suit to the Deputy that he would accept a surrender to his Majesty's use of the said office and regrant to him by his Majesty's letters patent the same office throughout the provinces of Leinster, Connaught and Ulster as well within liberties as without, with the said entire fee of 10*l.* yearly, and that, in order that he may better attend the execution of such office and for the good of the "weale publique" of Ireland, the Deputy would likewise grant the office of Clerk of the Market in the province of Munster to one Henry Hinseman, with such jurisdiction, liberties and perquisites as are incident to the same. Warrant to make forth a *fiant* of the said office in the said three provinces to the said Edward Brooke in manner specified above, with another *fiant* of the same office in the province of Munster to the said Henry Hynseman in manner specified above, but not

mentioning any stipend or fee certain whereby his Majesty may not be further charged than was intended; both to be held during good behaviour. *Signed.*

SIR ARTHUR CHICHESTER to HIS MAJESTY'S COUNSEL.

1605[-6], Jan. 26. Dublin Castle.—Reciting that the late Queen, by letters patent dated at Dublin Sept. 19 in the thirty-fifth year of her reign, granted to Thomas Fleming, gent., a pension of 20*d. per diem* during his life, which pension the said Thomas, by deed indented dated May 10 in the forty-second year of the same reign, did assign to Christopher Peyton, esq., Auditor General of Ireland, to hold for the life of the said Thomas; and that the said Christopher has petitioned the Deputy to accept a surrender of the said letters patent and to grant the said pension to Humphrey Reynoldes, gent., deputy to the said Christopher. Warrant to make forth a *fiant* of the same pension to the said Humphrey to be received by him and his assigns in the same manner and form as the said Thomas Fleming received it. *Signed.*

SIR ARTHUR CHICHESTER to HIS MAJESTY'S COUNSEL.

1605[-6], Feb. 21. Dublin Castle.—Reciting that Sir Theobald Dillon, knight, has surrendered into the Chancery the offices of General Cessor, Collector and Receiver of all and singular the composition money within the province of Connaught and Thomond (which was granted him by letters patent dated at Drogheda June 20 in the second year of his Majesty's reign in England) and has petitioned the Deputy to accept his surrender and to regrant the said offices to John Davies, esq., to hold, so long as he shall behave himself well in the exercise of the same, to him, his assigns and deputies, with all fees, profits, commodities and emoluments whatsoever, in as ample a manner as the said Sir Theobald enjoyed the same. [Warrant to make out a *fiant* of a grant to the said John Davies in manner specified above], inserting therein that the said John Davies shall be authorized to impanel a jury of freeholders and others of sufficiency in every barony within the said province to inquire of the wastes and inhabited lands termly and half-yearly that upon the passing of his accounts he may return their verdicts for his discharge, and that he shall pay the said composition money where the Lord Deputy for the time being or other governor or governors of Ireland shall appoint or else at the receipt of his Majesty's Exchequer, and inserting all other usual clauses, conditions and articles; and to send the same to the Lord Deputy fair engrossed in parchment to be further passed as appertains thereto. *Signed. Countersigned by* Geo[rge] Sexten.

The clause printed within square brackets was inadvertently omitted.

SIR ARTHUR CHICHESTER to HIS MAJESTY'S SERJEANT AT LAW, ATTORNEY and SOLICITOR GENERAL, or any of them.

1605[-6], Feb. Dublin Castle.—Warrant to make out a *fiant* to Henry Gosnold, esq., of the office of second Justice of the province of Munster to hold during pleasure with all fees and perquisites belonging thereto, inserting all usual clauses and conditions. *Signed.*

The day of the month omitted from the date in the original.

JAMES I to SIR ARTHUR CHICHESTER, Lord Deputy of Ireland.

1606, May 2. Westminster.—To appoint a commission to set apart the spiritual and temporal possessions belonging to the bishopries of Derry, Raphoe and Clogher in behalf of George Mountgomery, Dean of Norwich and Bishop elect of those sees. *Copy.*

Cf. Cal. S.P. Ireland, 1603-1606, *p.* 462.

SIR ARTHUR CHICHESTER to SIR JOHN DAVYS, Solicitor General.

1606, May 3. Dublin Castle.—Warrant to draw up a *fiant* containing a grant to John Bearford of Kilrowe in the parish of Ratowth, gent., of a licence to keep a tan-house for tanning of leather in Kilrowe aforesaid, to hold to him and his assigns for the term of twenty-one years from the above date and from thence for so long as shall please his Majesty, his heirs and successors, with a *non obstante* of the statute of 11 Elizabeth, he paying to his Highness yearly the sum of 10*s.*; inserting therein the usual clauses and articles—such *fiant* to be sent to the Lord Deputy fair engrossed in parchment to be further passed as appertains thereto. *Signed. Countersigned by* Geo[rge] Sexten.

SIR ARTHUR CHICHESTER to HIS MAJESTY'S COUNSEL or any of them..

[1606, May] 21. Dublin Castle.—Reciting that, upon the petition of Morris Hurley of Knocklongye, co. Limerick, to the Lords of the Privy Council of England, to have allowance of certain ancient freedoms in some parts of his lands and inheritance, the said Lords, by letters dated at Whitehall May 15, 1604, required the Lord Deputy or the Lord President of Munster for the time being to examine his demands and, if the lands mentioned in the said petition were found to be ancient free lands and so reputed and known, to take order for his Majesty's grant and confirmation thereof to the said Morris and his heirs under the Great Seal of Ireland (which letters are sent herewith to the Counsel); and that the said Morris has made proof by certain inquiries taken thereof by direction from Sir Henry Brunkarde, knight, Lord President of Munster,

and Sir George Thornton, knight, sometime Vice-President of the same. Warrant to draw forth a *fiant* containing his Majesty's grant and confirmation to the said Morris, his heirs and assigns of the said freedom and liberties in the parcels hereunder written, with such necessary clauses and words as may be beneficial and available for the said Morris and his heirs—such *fiant* to be returned to the Lord Deputy fair engrossed in parchment to be further passed as appertains thereto.

At the foot: "Knocklongy, one plough land and half; Kilfrush, half a plough land; Garrinchahere, one plough land; Downe Comyne, Bryanstone, Moorstone and Caranstone, one plough land." *Signed. Countersigned by* Geo[rge] Sexten.

The document is torn, but the date appears from an endorsement.

The Lord Deputy and Council to the Treasurer, Chancellor and Barons of his Majesty's Court of Exchequer, his Majesty's Counsel and Remembrancer and other his Highness's officers and ministers.

1606, July 8. Dublin.—Reciting that Donoghe O'Dowda has petitioned the Lord Deputy and Council that they would grant him the benefit of the intrusions, alienations and mean profits due and payable by Conor McMelaghlin Oge McDonogh of Ballendowne and Brian McDonogh of Colvony in the county of Sligo, and also the benefit of the intrusions and alienations and mean profits due and payable to his Majesty by the said Conor and Brian since the death of their ancestors or at any time theretofore due or answerable by any of their ancestors, all which have been long concealed from his Majesty and his progenitors and brought to light by the industry of the said Donoghe [O']Dowda at his own costs and charges; and that the said Lord Deputy and Council have thought good to grant to the said Donoghe and his assigns, as of his Majesty's bounty, two parts of all such sums of money and other things as are accrued, due or payable to his Majesty for or by reason of the said intrusions, alienations, mean profits, issues and commodities for and concerning all such lands and hereditaments as were by them or any of their ancestors held of his Majesty or any of his progenitors, the third part thereof to remain to his Majesty—provided that neither the said Donoghe nor his assigns shall, without the privity and consent of the Lord Deputy and two of the Commissioners, compound or agree with or receive any sums of money of the said Conor and Brian or any claiming by or under them or any other for or concerning the premises or any part thereof. Letters of *concordatum* requiring them to enrol the same and to issue forth all manner of necessary processes for the recovery of the premises and to pay two parts to the said Donoghe O'Dowda, reserving to his

Majesty the third part as aforesaid. *Signed at the head:* "Arthure Chichester," *and at the foot:* "R[ichard] Wingfelde, Anth[ony] Sentleger, Henry Haringtone, Ol[iver] Lambert, Jeff[rey] Fenton."

SIR ARTHUR CHICHESTER, Lord Deputy of Ireland, to SIR JOHN DAVYS, Attorney General.

1606[-7], Jan. 16. Dublin Castle.—Warrant to draw forth a *fiant* of pardon (treason to his Highness's person, coining of money and wilful murder excepted) to John Rider, Archdeacon of Meath, with a pardon of all intrusions and alienations without licence, with the usual beneficial clauses, such *fiant* to be sent to the Lord Deputy fair engrossed in parchment for passing the same under the Great Seal. *Signed.*

SIR ARTHUR CHICHESTER to the ATTORNEY and SOLICITOR GENERAL.

1606[-7], Feb. 13. Dublin.—Warrant to make out a *fiant* of pardon (treason tending to the destruction of his Majesty's person, coining of money and wilful murder excepted) to the persons hereunder written, inserting the usual proviso of putting in sureties and a proviso that the same shall not extend to pardon any in prison or upon bail (John O'Brenan and Owen Buy McKroghe only excepted), nor any for any matter depending in the Castle Chamber, nor to pardon any intrusions, fines of alienations, debts, arrearages or accounts due or answerable to his Majesty. *Signed. Countersigned by* He[nry] Perse.

The names underwritten: Ohora Rian ny Shan of Crocktenacaslan, co. Limerick; Owen O'Kellie, labourer, of the same; Shan O'Heyne, yeoman, of the same; Edmund Burke McShane, yeoman, of Castell Rokin, co. Limerick; Walter Burke McShan, yeoman, of the same; Donoghe McOwny O'Heyne; Edmund McShane Roe of Corbally, co. Limerick, yeoman; William McShane Roe of the same, yeoman; Shane McLaughlin McCanny *alias* Mollowny of Carkenlish, co. Limerick, yeoman; Conor McWilliam Rian of Balerehyn, co. Tipperary, gent.; Any ny McBrian of Carkine, co. Tipperary; William McGyllenineve O'Dawryn of Balchinod, co. Tipperary, yeoman; Philip McOwnes O'Dwyre of Gortard, co. Tipperary, yeoman; John O'Brenan of Anaghe, co. Limerick, yeoman; Teig O'Hogan of Togheregreams, co. Limerick, yeoman; Owen Buy McKroghe of Kilmaclastres, co. Crosse and Tipperary, yeoman; Hugh O'Mulrean of Curhin, co. Tipperary, gent.; Conor McOwen Buy McKroghe of Kilmaclastres, co. Cross and Tipperary; Conon O'Brian McDonoghe of Inshymore, co. Cross and Tipperary, yeoman; Garrett Bonfeilde of Killalow, co. Clare, yeoman; Kyen McWilliam O'Carroll of Modereny, co. Tipperary, yeoman; Donogh McShane of Kilcolman, co. Cross and Tipperary, yeoman.

Underwritten: These names were by order from us referred to the examination of Sir John Everard and Sir Richard Boile, knights, who certified under their hands that they knew no cause why they should not be pardoned if we thought fit, most of them being but for suspicion of relieving of John Burke and no open crime to be objected to them otherwise.

SIR ARTHUR CHICHESTER to HIS MAJESTY'S COUNSEL or any of them.

1607, May 13. Dublin Castle.—Warrant to draw forth a *fiant* of a grant (pursuant to letters of the Privy Council of England dated at Wilton Oct. 18, 1603) to John, Lord Coursie, of the intrusions, fines of alienations, issues and mean profits of the barony of Coursie's country, as well within the town of Kinsale as otherwise; inserting therein all usual clauses and reservations—such *fiant* to be sent to the Lord Deputy fair engrossed in parchment for passing the same under the Broad Seal. *Signed. Countersigned by* Geo[rge] Sexten.

Underwritten by Sir Arthur Chichester: "It is intended that the Lord Coursie shall not by colour of this grant oppress the intruders, etc. (if any be) by laying too heavy a hand upon them. If he should hold such a course, the same to be left to the discretion and arbitrament of us and the Commissioners to determine what consideration he shall receive."

PETITION of DERMOT O'DWIRE, chief lord of the country of Kilnemanagh, to SIR ARTHUR CHICHESTER, Lord Deputy of Ireland.

1607, May 27.—Whereas he is to surrender to his Majesty all his lands and seignories and to have the same regranted to him to hold of his Majesty by English tenure, and thereby to reduce his country, being all Irish, to civility, and forasmuch as the best means thereto is to have the true use and the execution of the common law which is wanting there, because there is neither court leet nor court baron nor any fair or market; he prays that there may be inserted in the said regrant, that he may hold a court leet in and throughout the said country of Kilnemanagh and have the profits and perquisites thereof, together with another court there in the nature of a court baron, and also two yearly fairs upon St. Mark's day (April 25) and St. Bartholomew's day (Aug. 24) respectively, each to continue for two days, and a weekly market in the town of Kilshenan with the profits of the same.

Underwritten by Sir Arthur Chichester: "The 27th of May 1607. So much of his demands are granted as to the King's Counsel shall be thought fit. Arthure Chichester." *Endorsed:* "1607. The humble petition of Dermot O'Doire for franchises which are granted."

The date at the head is that of the underwritten order, the petition being undated.

SIR ARTHUR CHICHESTER, Lord Deputy of Ireland, to SIR JOHN DAVIES.

1607, June 26. Dublin Castle.—Reciting the grant, by letters patent under the Great Seal of Ireland dated at Dublin March 14, 1605-6, to George Robinson, esq., and William Robinson his son, and the longer liver of them, of the office of chief Prothonotary of the Common Pleas in Ireland and also that of keeper of all writs, files, pleas, records and rolls of the said court, to hold during good behaviour; and that the said George and William have petitioned the Lord Deputy to accept a surrender of the said letters patent and offices and to grant the same by other letters patent to William Crowe of Dublin, esq. Warrant to make forth a *fiant* of the said offices, together with all fees, profits, perquisites and commodities belonging thereto, to the said William Crowe. *Signed.*

SIR ARTHUR CHICHESTER to the ATTORNEY and SOLICITOR GENERAL.

1607, July 30. Dublin.—Reciting that Sir George Greame, knight, holds a pension of 3*s.* 6*d. per diem* (in the list of the old establishment of the sum of 4*l.* 19*s.* 2*d. per diem*) and has petitioned the Lord Deputy to transfer the same to his son George Greame, esq., which the Lord Deputy is pleased to do "in regard of his long and faithful service to this state, and for the encouragement and better enablement of the said George Greame to continue the like good and faithful service towards the same as his said father hath always done." Warrant to draw out a *fiant* of a grant of the said pension to the said George Greame for his life—such *fiant* to be sent to the Lord Deputy fair engrossed in parchment to be passed by letters patent. *Signed. Countersigned by* He[nry] Perse. *Endorsed:* "A warrant for transferring the pension of Sir George Greames unto his son. 30th July, 1608. [This is not past, Sept. 5th, 1608.]" *The words printed in square brackets deleted.*

SIR ARTHUR CHICHESTER to SIR JOHN DAVIES.

1607, Oct. 1. Dublin.—Warrant to make out a *fiant* of pardon (treason tending to the destruction of his Majesty's person and coining of money excepted) to Sir Robert Nugent of Ballibrenagh, co. Westmeath, knight, inserting therein all such *non obstantes* and restrictions of all former statutes as may be most advisable, with a proviso that it shall not extend to pardon any Star Chamber matter, intrusions, fines for alienations, arrearages or accounts. *Signed.*

SIR ARTHUR CHICHESTER to SIR JOHN DAVIES.

1607, Oct. 8. Dublin.—Warrant to make out a *fiant* of a grant (pursuant to his Majesty's letters dated at Salisbury Aug. 26 last) to George Beeston, esq., or his assigns for ever,

of all such arrearages of rent due to his Majesty upon certain proxies which were passed to his Highness's progenitors from the Bishop of Meath in exchange of the rectory of Loughshuddy granted to that see, or at any time since the first exchange, as the same appears upon any record or shall be found by any office or other evidence, without any account or charge to be set upon him for the same. *Signed. Countersigned by* He[nry] Perse.

First addressed to "Richard Coleman, esq., his Majesty's Chief Remembrancer in Ireland," *but this was deleted and the address to Sir John Davies substituted.*

SIR ARTHUR CHICHESTER to the ATTORNEY and SOLICITOR GENERAL.

1607, Nov. 10. Dublin Castle.—Reciting the grant, by his Majesty's letters patent dated at Dublin May 23, 1604, to John Reynolds, gent., of the office of constable, gaoler or keeper of all the prisoners committed within the county of Leitrim, to hold during good behaviour, receiving as great a fee as any other constable in Ireland, and that the said John has petitioned the Lord Deputy to join Humphrey Reynolds his son with him in the execution of the said office. Warrant to make out a *fiant* of the said office to the said John and Humphrey and the longer liver of them, to hold during their good behaviour, with the reduced fee of 10*l.* Irish *per annum* (the former fee appearing to the Lord Deputy to be too great for an officer of that nature) to be paid out of his Majesty's rents and revenues in Ireland and to commence at Michaelmas, 1607, together with all other profits, perquisites or commodities belonging to the same office; inserting therein such other clauses and conditions as were contained in the said letters patent. *Signed.*

SIR ARTHUR CHICHESTER to SIR JOHN DAVIES.

1607, Nov. 20. Dublin Castle.—Reciting that Sidracke Davenport, gent., Transcriptor of the Exchequer, otherwise called Apposor of Foreign Estreats of the Exchequer, has petitioned the Lord Deputy to accept a surrender of his letters patent of the said office and to regrant the same to him with an allowance of 20*l. per annum* payable out of the foreign estreats only in lieu of all fees and entertainments formerly allowed out of his Majesty's revenue. Warrant to make forth a *fiant* of the said office to the said Sidracke, with the yearly fee of 20*l.* Irish payable as above or out of the summons of greenwax of the Exchequer. *Signed.*

Cf. Cal. S.P. Ireland, 1606-1608, *p.* 44.

SIR ARTHUR CHICHESTER to the ATTORNEY and SOLICITOR GENERAL, or either of them.

1607, Nov. 21. Dublin.—Warrant to make out a *fiant* of pardon (treason tending to the destruction of his Majesty's

person, wilful murder and coining of money excepted) to the persons hereunder written, inserting therein the ordinary provisoes of pleading their pardons and putting in sureties and a proviso that it shall not extend to pardon any in prison or any that are defendants in the Court of Castle Chamber, nor to pardon any intrusions, fines for alienations, arrearages, debts or accounts due or answerable to his Majesty. *Signed.* *Countersigned by* He[nry] Perse.

The names underwritten: Brean Magneisse McDonell McBrian; Glassney Magneisse McDonell; Conn Magneisse McDonell; Donell oge Magneisse McDonell; Donell oge Magneisse McEdmund buy; Glassney Magneisse McRowry; Tirlagh O'Doran; Dowaltagh O'Doran; Patrick McQuiggin; Laghlin McQuiggin; Murtagh McQuiggin; Shane Crossagh McQuiggin; Patrick McQuiggin McFelim buy; Edmund Magneisse McArt; Felim Magneisse; Hugh oge Magneisse McFelim McHugh; Conn Magneisse McFelim McHugh; Euer Magneisse McConn; Euer Magneisse McHugh boy; Art Magneisse McRowry; Hugh oge Magneisse McFerdoragh; Conn Moddere McAgneisse McFerdoragh; Euor Magneisse McDonell; Manus Magneisse McGlassney; Brian Duffe O'Hurie; Donell Croyne O'Hurie; Arte O'Hurie; Dowaltagh McJawny; Brean oge O'Lawry; Breane O'Deavie; Greffe McGilleray; Peerce oge Magyn; Donell Magyn McGilinorten; Thomas Magyn; Donell McAgyn McShane; Shane Reogh McMarghie; Donill McConigan; Murtagh O'Doran; Murtagh Roe McCalserly; Neale McLawry of co. Donegal; Roger Lewis of Stradbally in Queen's County, yeoman.

SIR ARTHUR CHICHESTER to SIR JOHN DAVIES.

1607, Dec. 10. Dublin.—Warrant to make out a *fiant* of pardon in the same terms as the last [save that the insertion of the usual provisoes of pleading pardons and putting in sureties is not directed] to the persons hereunder named. *Signed.*

The names underwritten: Thomas Langley of Moyallo, co. Cork, gent.(1); Edmund Sutton of Dunnerayhe, co. Cork; Walter O'Donnell of the same; Donell McShane of Killasebraghe, co. Waterford; Alexander Grace of Castlannegard, co. Limerick; Mortoghe O'Lwyne of Killmaclinea, co. Cork; Patrick O'Bachrahan of Phillipstown in King's County; James Morrys oge FitzGerald of Templestown, co. Cork; Convay McConnoghe of Losinehan, gent.; Edmond Boyton of Casshall, co. Cork; Paul Kerny of the same; Owyn O'Muynghan of Ballagin, co. Clare; Donell McShane of Ballengarrea, co. Limerick.

Underwritten: "Referred to the Earl of Thomond to examine and certify if it please him. (*Signed*) Arthure

(1) He was to be excepted from the proviso as to those in prison or defendants in the Court of Castle Chamber.

Chichester." *With the reply:* "May it please your lordship, in respect of the proviso and that these men be but mean men, to pardon them. (*Signed*) Thomond."

SIR ARTHUR CHICHESTER to HIS MAJESTY'S COUNSEL or any of them.

1607[-8], Jan. 18. Dublin Castle.—Warrant to draw forth a *fiant* of pardon (treason, etc., excepted) to Thomas Crooke of Baltimore, co. Cork, esq., and the under-named persons, inserting that it shall not extend to pardon any intrusions, etc.—such *fiant* to be sent to the Deputy fair engrossed in parchment to be passed by him. *Signed.*

The names underwritten: Nicholas Beewater, Thomas Bennett, John Child, all of Baltimore, co. Cork, and tenants of the said Crooke; Connor O'Brian, gent., of co. Lowth; George Tollchard, soldier, of the King's County.

Underwritten by Chichester: "Connor O'Brian and George Tollcharde were put in by me since the strikes were made. Arthure Chichester."

SIR ARTHUR CHICHESTER to HIS MAJESTY'S COUNSEL or any of them.

1607[-8], March 15. Howth.—Warrant to draw forth a *fiant* of a grant to the Earl of Kildare and his assigns for ever of a market to be kept every Saturday in the town of Castle Lye [Lea] in the Queen's County with a fair for two days to begin the first of August if it be not Saturday or Sunday, together with all the profits, perquisites and commodities belonging thereto, reserving to his Majesty the yearly rent of 10*s.* 8*d.*[1] Irish—such *fiant* to be sent to the Lord Deputy fair engrossed in parchment, to be passed by him. *Signed. Countersigned by* Geo[rge] Sexten. *Endorsed:* "A warrant of a fair and market to my Lord of Kildare. This warrant came to me in the North, I know not by what means, August *ultimo*, 1608."

SIR ARTHUR CHICHESTER to HIS MAJESTY'S COUNSEL or any of them.

1608, April 4. Howth.—"Whereas the making of *aqua vitae* within this kingdom is made too common to the great hindrance of the commonwealth and waste of much corn, for preventing of which the restraining thereof into a few men's hands will be a cause of less use thereof than if otherwise it were free for all men at their pleasure to make and sell the same," the Lord Deputy gives warrant to draw forth a *fiant* of a grant to Sir Thomas Phillips (such grant having been petitioned for by him) of a lease for seven years that no person or persons shall make *aqua vitae* within the county of Coleraine, otherwise called O'Cahane's country, and the Route in the county of Antrim,

(1) Altered by Chichester from 6*s.* 8*d.* The amount intended was probably 10*s.*

save such as shall be nominated by him and allowed by the Lord Deputy, and that Sir Thomas and his assigns shall take the forfeiture from all such persons as shall make it except such as are limited by the statute in that case provided; provided that, if it shall be thought hurtful (by the Lord Deputy and State) for the commonwealth of Ireland after a year's expiration, "and so signified to the said Sir Thomas Phillips," the said grant be then void; inserting therein such other "behoofull" and necessary clauses and conditions as were contained in a late grant of this kind [which] was passed to Walter Taylore for the province of Connaught, and leaving a blank for a yearly rent to be reserved to his Majesty—such *fiant* to be sent to the Lord Deputy fair engrossed in parchment to be passed by him. *Signed. Countersigned by* Geo[rge] Sexten.

Underwritten by Chichester: "Provided that this grant do not extend to intermeddle with any inhabitant dwelling within the liberty of the Dyrrie [Derry], nor to be prejudicial to any former grant passed under our hand to Capt. John Vaghan."

JAMES I to [SIR ARTHUR CHICHESTER].

1608, April 8. Westminster.—Warrant to accept a surrender from the Earl of Clanricarde of all the temporal and spiritual possessions held by him of the Crown, and to regrant the same to him. *Signed:* "Nic[holas] Faunt." *Copy. Endorsed:* "Copy of the King's letters for surrendering of my patents," *and in another hand:* "Clanriccard. This letter was mended and so this was void."

Cf. Cal. S.P. Ireland, 1606-1608, *p.* 467.

SIR ARTHUR CHICHESTER, Lord Deputy of Ireland, and the rest of the COMMISSIONERS to SIR JOHN DAVIES.

1608, May 2. Dublin Castle.—Warrant to draw forth a *fiant* of a grant of a corporation to the inhabitants of the town of Inistioge, co. Kilkenny, by the name of Portreeve, burgesses and freemen of the said town, with such other franchises and beneficial clauses as are set down in a paper draft thereof perused and signed by the Lord Chief Justice and Sir John Davies—such *fiant* to be sent to the Lord Deputy in parchment to be passed by him. *Signed by* Sir Arthur Chichester *and countersigned by* Geo[rge] Sexten.

SIR ARTHUR CHICHESTER to SIR JOHN DAVIES and the rest of HIS MAJESTY'S COUNSEL.

1608, May 9. Dublin Castle.—Warrant to make forth a *fiant* for letters patent of a licence to Richard Scurlocke, inheritor of the town and lands of Clonuadd, otherwise Clonfadd, in King's County, to grant the said town and lands to Sir John Moore of Croghan in King's County, knight, his heirs and assigns, and that a common recovery thereof may be had by Sir William Usher, knight, and Robert Leycester of Clannyrrell,

esq., to the use of the said Sir John and his heirs, adding to such *fiant* a pardon of all former alienations and intrusions and leaving the usual blanks for the insertion of a fine for the said licence, etc. *Signed.*

SIR ARTHUR CHICHESTER to the ATTORNEY and SOLICITOR GENERAL, or either of them.

1608, May 17. Dublin.—Warrant to make out a *fiant* of a lease (pursuant to his Majesty's letters dated at the manor of Farnham the last of July, 1607) to Matthew Collyns, his deputy or assigns, of all customs, penalties and forfeitures accruing unto his Majesty, his heirs and successors, for any barque, boat, skiff (skaife) or other vessels of other lands coming to fish in any coast or creek in Ireland, according to a statute of 5 Edw. IV, to hold for twenty-one years from the first of June next following, he paying to his Majesty the yearly rent of [*blank in MS.*]; inserting therein all needful and convenient clauses, covenants and conditions. *Signed. Countersigned by* He[nry] Perse.

For the King's letters see Cal. S.P. Ireland, 1606-1608, *pp.* 233, 234.

SIR ARTHUR CHICHESTER to the ATTORNEY and SOLICITOR GENERAL, or either of them.

1608, May 21. Dublin.—Warrant to make out a *fiant* of pardon to George Plunkett of Dublin, merchant (treasons, etc., excepted), inserting therein a proviso that it shall not extend to pardon any intrusions, etc. *Signed.*

SIR ARTHUR CHICHESTER to HIS MAJESTY'S COUNSEL or any of them.

1608, May 31. Dublin Castle.—Warrant to make forth a *fiant* of the office of Clerk of the Lower House of Parliament in Ireland to William Bradley, gent., to be exercised by himself or his sufficient deputy or deputies during good behaviour, with all such fees, allowances, profits, commodities and perquisites as any other has heretofore received for the execution of such office—such *fiant* to be sent to the Lord Deputy fair engrossed in parchment to be further passed by him. *Signed.*

SIR ARTHUR CHICHESTER to SIR JOHN DAVIES.

1608, June 3.—Warrant to draw up a *fiant* for a grant in reversion (pursuant to his Majesty's letters of Nov. 14 last past) to Walter Wilsone, gent., for his life, of the office of Prothonotary in the Court of Common Pleas—such *fiant* to be sent to the Lord Deputy fair engrossed for passing letters patent thereof. *Signed. Endorsed:* "Mr. Walter Wilson for the reversion of the office of Prothonotary. This is not passed Septemb. 5, 1608, for it was stayed by the consent of parties."

For the King's letters see Cal. S.P. Ireland, 1606-1608, *p.* 329.

SIR ARTHUR CHICHESTER to SIR JOHN DAVIES or the SOLICITOR GENERAL.

1608, June 4. Dublin.—Warrant to perfect a *fiant* of such lands as the King's letter requires to be regranted to Sir John Fitz-Edmonde (for the making of which he has already received the Lord Deputy's warrant), with such ample and beneficial clauses as any undertaker or other person in Munster has had in any patent granted to him, without inserting any mention of a surrender. *Signed.*

SIR ARTHUR CHICHESTER, Lord Deputy of Ireland, and the COMMISSIONERS to SIR JOHN DAVIES.

1608, June 11. Dublin Castle.—Warrant to draw forth a *fiant* of a new incorporation of the town of Gawran [Gowran], co. Kilkenny, by the name of Portrive [Portreeve], chief burgesses and freemen of the town or bourgh of Gawran, inserting therein such other liberties and franchises as are contained in a paper book perused and allowed by the Lord Chief Justice—such *fiant* to be sent to the Lord Deputy fair engrossed in parchment to be passed accordingly. *Signed:* "Arthure Chichester," *and at the foot:* "James Ley, A[dam] Loftus, Ol[iver] St. John."

SIR ARTHUR CHICHESTER to the ATTORNEY and SOLICITOR GENERAL, or either of them.

1608, June 13. Dublin.—Warrant to make out a *fiant* of a grant (pursuant to the letters of the Lords of the Privy Council in England dated June 21, 1607) to Sir Adam Loftus, knight, one of the Masters of his Majesty's Court of Chancery, of a pension of 10*s.* sterling *per diem* out of such pensions as he shall of his own charges procure to be surrendered, to be paid during his life out of his Majesty's revenue. *Signed. Countersigned by* He[nry] Perse. *Endorsed:* "S[r] Adam Loftus, kt., his pension of 10*s.* st."; *also:* "9*s.* st. of this pension granted, *viz.*, Garrald McMurtaghe's pension of 3*s.* st. *per diem* and Tho. Perrot's pension of 6*s.* ster. *per diem.*"

SIR ARTHUR CHICHESTER to the ATTORNEY and SOLICITOR GENERAL, or either of them.

1608, June 23. Dublin.—Warrant to make out a *fiant* of pardon (treason, etc., excepted) to the persons hereunder named, inserting, etc. [as at *p.* 27]. *Signed. Countersigned by* He[nry] Perse.

The names underwritten:

1. Philip O'Kennedy
2. Walter Poore
3. Robert Cleare
4. Honor ny Dwiggan
5. Edward Cromwell

Certified by the Lord Chief Baron and Sir Dominick Sarcefeeld.

6. Donell Kelly } *One in Waterford, the other in*
7. Donell McShane } *Limbrick. The Mayor.*
8. Richard Wathy of Nessen in Worrall in England } *Mr. Attorney.*
9. Tirlagh O'Dolan
10. John Walshe of Cram, co. Limerick, yeoman
11. Nicholas Baggott of co. Kildare. *Sir Henry Harrington.*
12. Tirlagh McShane Enasse in co. Wicklow } *Capt. Dale.*
13. Hugh McDermod Duffe of the same
14. Donogh McMorishe McGerrott in co. Wexford
15. Brian Kavenagh of Newtown, co. Roscommon, gent.
16. John Dallaway of Cashelten, co. Kildare, esq.
17. James English of the same, shoemaker.
18. Gilledanny O'Connell of Knockemarke, co. Meath, shoemaker.
19. Donagh McEdmund O'Birne in co. Wicklow.

The glosses printed in italics are in Chichester's hand.

SIR ARTHUR CHICHESTER to HIS MAJESTY'S COUNSEL or any of them.

1608, June 28. Dublin.—Reciting that William Leveret, Athlone Pursuivant of Arms, has petitioned the Lord Deputy to accept a surrender of his letters patent and regrant such office to him and Albone Leveret his son, or the longer liver of them. Warrant to draw out a *fiant* of the said office of Athlone Pursuivant of Arms to them as aforesaid to hold during good behaviour with the same fees, perquisites, emoluments and advantages as heretofore were appertaining. *Signed.*

The LORD DEPUTY and COMMISSIONERS to the ATTORNEY or SOLICITOR [GENERAL], or either of them.

1608, June 29. Dublin Castle.—Warrant to draw forth a *fiant* of a new incorporation of the town of Clonmell in the several counties of the liberty of Tipperary and Waterford, by the name of Mayor, "Bawliffs," free burgesses and commons of the town of Clonmell, inserting therein power to the said corporation to make bye-laws, and that they may hold a court of civil pleas arising within the town and franchises thereof, the Mayor of the town to be escheator, coroner and clerk of the market, with licence also to purchase 20*l. per annum* in mortmain with divers other usual liberties and franchises, which have been perused by the Lord Chief Justice and Chief Baron—such *fiant* to be sent to the Lord Deputy fair engrossed to be passed accordingly. *Signed at the head:* "Arthure Chichester," *and at the foot:* "Tho[ma]s Dublin Canc., H[umphrey] Wynche, H[enry] Power, Jeff[rey] Fenton, Ry[chard] Cooke"; *also* "Pa[trick] Fox."

SIR ARTHUR CHICHESTER to SIR JOHN DAVIES.

1608, July 2. Dublin.—"Whereas Sir John Fitz-Edmonde, knight, had a *fiant* signed by us for regranting unto him such lands as he surrendered to his Majesty, wherein was granted unto him among other things the half of felons' and fugitives' goods with all waifs and strays," the Lord Deputy gives warrant "to finish and make up the said *fiant* in all things touching the said clauses as in the former was contained." *Signed.*

SIR ARTHUR CHICHESTER to SIR JOHN DAVIES.

1608, July 24. The camp near Dungannon.—Reciting the assignment by Sir William Clarke, knight, to Sir Richard Morison, knight, of a pension of 10*s.* English a day granted him for life by the late Queen out of the receipts of the Exchequer in Ireland or the revenues of that realm, of which pension a surrender is to be made by Sir William. Warrant to make out a *fiant* of a grant (pursuant to his Majesty's letters dated at his manor of Greenwich May 23, 1608) to the said Sir Richard of the said pension to be paid from the time of the said surrender for the term of his life in manner aforesaid. *Signed.*

For the King's letters see Cal. S.P. Ireland, 1606-1608, *p.* 537.

SIR ARTHUR CHICHESTER to SIR JOHN DAVIES.

1608, Sept. 27.—Warrant to make out a *fiant* of pardon to William Donn[in the same terms as that on *p.* 28]. *Signed.*

SIR ARTHUR CHICHESTER to the ATTORNEY or SOLICITOR GENERAL.

1608, Sept. 28. Ra[th]farnam.—Warrant to make out a *fiant* to George St. George, gent., of the office of Clerk Controller General and Surveyor of the Ordnance and Munition in Ireland, which office is to be surrendered to the said George by Thomas Holcroft, gent., to hold from the day of such surrender in as ample a manner as the said Thomas formerly held it. *Signed. Countersigned by* He[nry] Perse.

SIR ARTHUR CHICHESTER to the ATTORNEY or SOLICITOR GENERAL.

1608, Sept. 28. Rathfarnam.—Warrant to draw forth a *fiant* of a new incorporation of the town of Kilkenny, co. Kilkenny, by the name of Soveraign, burgesses and commons of the town of Kilkenny, inserting therein power to the corporation to make bye-laws and that they may hold a court of civil pleas arising within the town and franchises thereof, the Soveraign to be escheator, coroner and clerk of the market, with licence also to purchase 100 marks yearly in mortmain with divers other usual liberties and franchises, which have been perused by the Lord Chief Justice and Lord Chief Baron—such *fiant* to be sent to the Lord Deputy fair engrossed to be passed accordingly. *Signed.*

Cf. Cal. S.P. Ireland, 1608-1610, *p.* 54.

SIR ARTHUR CHICHESTER to HIS MAJESTY'S COUNSEL.

1608[-9], Feb. 22. Dublin.—Warrant to make out a *fiant* of a lease (pursuant to his Majesty's letters dated at Westminster Dec. 30, 1608) to Ambrose ap Hugh, gent., of all the lands, tenements, advowsons, tithes, pensions, etc., and all other spiritual hereditaments, etc., belonging to the late dissolved abbey or monastery of Louth, co. Louth, to hold for the term of forty years from the date of the patent, yielding to his Majesty the yearly rent of 107*l.* Irish and all such services as were formerly due for the same by the former letters patent now to be surrendered by the said Ambrose, but making no mention of such surrender nor of his Majesty's said letters. *Signed.*

Underwritten by Chichester: "You must make mention that there was such a letter and it is enrolled, albeit the grant pass not according to the words of the letter but as strong as you may for the party for the years therein mentioned."

For the King's letters see Cal. S.P. Ireland, 1608-1610, *p.* 121.

SIR ARTHUR CHICHESTER to HIS MAJESTY'S COUNSEL.

1609, May 6. Dublin.—Warrant to make out a *fiant* of a grant of the office of Attorney of the province of Ulster to John Fayrewell, esq., to hold the same with all fees, profits, perquisites and commodities thereto belonging in as ample manner as Henry Dillon, esq., deceased, lately held the same—such *fiant* to be sent to the Lord Deputy fair engrossed. *Signed. Counter-signed by* He[nry] Perse.

SIR ARTHUR CHICHESTER to HIS MAJESTY'S COUNSEL.

1609, May 29. Dublin Castle.—Warrant to make a *fiant* of a grant to John Flinte of Dublin, gent., of the office of Pursuivant of his Majesty's Court of Exchequer in Ireland, to hold during good behaviour, "with all such fees, perquisites and duties as the said Flinte shall bring unto you under the sufficient *teste* of the officers of the said Court heretofore to have been usually and accustomarily granted to Martin Georg;" inserting all the usual clauses. *Signed.*

SIR ARTHUR CHICHESTER to SIR JOHN DAVIES.

1609, July 1. Dublin Castle.—Reciting letters of the King, dated at Westminster March 27 last past, requiring the Lord Deputy to accept a surrender from Cormack McDermode of the office of Sergeant at Arms in the province of Connaught and Thomond, with the keeping of all such prisoners as should be upon bond or under bond to appear at any assizes or sessions general or particular in the said province until they should be discharged by order of the court, and of the offices of Constable or Keeper of the gaol at Galway and Gentleman Porter in the said province (all which had formerly been granted to the said Cormack and Henry his son by letters patent), and to regrant

the same offices to James Matthews and James his son. Warrant to draw forth a *fiant* to the said James and James of the said offices, to hold during their lives and that of the longer liver, with all fees, wages, allowances, perquisites, diets and other commodities incident thereto, in as ample manner as the said Cormack or any other enjoyed the same—such *fiant* to be sent to the Lord Deputy fair engrossed in parchment to be further passed by him. *Signed. Countersigned by* Geo[rge] Sexten.

SIR ARTHUR CHICHESTER to [SIR JOHN DAVIES].

1609, July 6. Dublin.—Warrant to draw forth a *fiant* of pardon [in the same terms as that on *p.* 27, but not excluding "any in prison"] to the under-named persons, who for the most part have been tried and reprieved, while the rest, being guilty of small crimes, have petitioned for pardon, which the Chief Justice of Connaught and others have certified to be expedient. *Signed. Address omitted.*

The names underwritten: Ulicke McJohn McWilliam in co. Galloway; Catherine ny Cahain of Galloway; Owen O'Hennys of Newtown, co. Roscommon; Teig O'Crowgan late of Sligo, co. Sligo, yeoman; David Burke McUlicke a Temple of Cukelly, co. Mayo; Sheely ny Riourke of Ardroyoole (?), co. Sligo; Henry Bourke of Cloghkilbeg, co. Galloway, gent.; Gilleduffe O'Keary of Castell Reaugh, co. Galloway, yeoman; Donnell McManus of the Lagan, co. Roscommon, gent.; Brian O'Cunygan of Casshelteene (?), co. Roscommon, yeoman; Hugh McRoorie O'Conor of Balintobbit (?), co. Roscommon, gent.; Conor oge McEgane of Leasana, co. Galloway, yeoman; Hugh McBrasell O'Kelly of Moycarnan, co. Roscommon, gent.; Thomas Birne of the Boile, co. Roscommon, yeoman; William oge O'Kelly in co. Galloway, gent.; Donogh O'Mulconry in co. Galloway, yeoman; Edmund McTeige O'Kelly in co. Galloway, gent.; Thomas Lovelocke of Galloway, gent.; James Nealan of Rahone, co. Clare, gent.; William Nealan of Kilcarraghe, co. Clare, gent.; Denys Nealan of the same, gent.; Donnell O'Manyn in co. Galloway, yeoman; William O'Mannyn in the same, yeoman; Owen Gran O'Mullany in the same, yeoman; Brian O'Kelly McDogh Daly in the same, gent.; Donell O'Kelly of Moyruss, co. Galway, gent.; Mellaghlin O'Harraghtanie of Feagh (?) McConnell, co. Roscommon, yeoman; Dermott O'Falvy of the Gorte, co. Gall[oway], yeoman; Owen McDermott O'Mulrean of Castell ny Hinch, yeoman; Teige McDonell O'Hire Lehigh (?) of Balemourney, yeoman.

SIR ARTHUR CHICHESTER to SIR JOHN DAVIES.

1609, July 28. Mellifont.—Warrant to draw forth a *fiant* (pursuant to his Majesty's letters dated June 28 last past, "which herewith we send you") to Sir Thomas Ridgewaie,

knight, his Majesty's Treasurer at Wars in Ireland, and his heirs, of all the lands, etc., lying in the county of Monaghan mentioned in the late letters patent of fee tail dated May 2 last past, which lands lately came into his Majesty's hands by the forfeiture or killing in rebellion of Brian McSavaghe McMahonne, with all such liberties, freedoms and "preheminences" as are contained in the said letters patent, to hold the same of his Majesty as of the castle of Dublin in free and common usage only and not *in capite*, reserving such rents, etc., as are mentioned in the same letters patent, and inserting in the said *fiant* all other usual clauses and conditions. *Signed. Countersigned by* He[nry] Perse.

Cf. Cal. S.P. Ireland, 1608-1610, *pp.* 178, 201, 204.

SIR ARTHUR CHICHESTER to SIR JOHN DAVIES.

1609, July 29. Mellifont.—Warrant to draw forth a *fiant* (pursuant to his Majesty's letter dated at Westminster Feb. 9 last past, "which herewith we send you") to Capt. Hugh Clotworthie, for his life, of the office or charge of captain of his Highness's boats on Masserine and Lough Sydney, with an entertainment of *5s.* Irish a day for himself, and eighteen men at 10*d.* Irish a day each, to be paid out of his Majesty's treasure or revenue of Ireland, inserting therein all usual clauses and limitations—such *fiant* to be sent to the Lord Deputy engrossed to be further passed by him. *Signed. Countersigned by* He[nry] Perse.

SIR ARTHUR CHICHESTER to HIS MAJESTY'S COUNSEL and the AUDITOR and SURVEYOR of HIS MAJESTY'S Lands and Revenues in IRELAND and every other officer to whom it appertains.

1609, Oct. 27. Dublin.—Requiring them, when any grants shall pass from his Majesty of any lands in fee-farm or fee simple, by gift, exchange, surrender or otherwise, to cause the great woods thereon to be valued and rated always in the particular as in England it is accustomed to be—in accordance with a clause of his Majesty's letters of March 29 last past. *Signed. Countersigned by* He[nry] Perse.

Underwritten: "You are to make entry hereof in your several offices and not any one to detain the same from the knowledge of the rest of the officers."

For the King's letters see Cal. S.P. Ireland, 1608-1610, *p.* 175.

SIR ARTHUR CHICHESTER to HIS MAJESTY'S ATTORNEY and SOLICITOR GENERAL or either of them.

1609, Nov. 15. Dublin Castle.—Reciting that Sir Nicholas Walsh, knight, Lord Chief Justice of the Common Pleas, and Mr. Justice Palmer, late judges of assize in co. Clare, have certified to the Lord Deputy (upon his referment granted at

the suit of Donell O'Bryen, esq., for holding markets in the towns of Ballyelly and Neowtowne, co. Clare) that the grand jury certified to them that the holding of such markets would not be hurtful and that the Earl of Thomond had consented thereto. Warrant to draw forth a *fiant* of a grant to the said Donell of a weekly market to be held at Ballyelly every Thursday, with one at Newtown every Tuesday, to hold to him, his heirs and assigns with all usual immunities, privileges and perquisites, reserving to his Majesty thereout the yearly sum of 13*s.* 4*d.* Irish. *Signed. Countersigned by* Geo[rge] Sexten.

SIR ARTHUR CHICHESTER to SIR JOHN DAVIES, Attorney General for Ireland, or any other of HIS MAJESTY'S COUNSEL.

1609, Nov. 27. Dublin Castle.—Warrant to make forth a *fiant* to William Hollande of the master gunner's place of his Majesty's castle of Dublin, with the fee of 16*d.* sterling a day and all other fees, profits, etc., belonging thereto, in as ample manner as Thomas Horne before his assignment of the said office or any other before him enjoyed the same, commencing Oct. 1 last past and continuing during good behaviour, the fee to be paid half-yearly by the Vice-Treasurer or General Receiver of Ireland—such *fiant* to be sent to the Lord Deputy fair engrossed to be signed. *Signed.*

SIR ARTHUR CHICHESTER to HIS MAJESTY'S ATTORNEY GENERAL.

1609, Dec. 2. Dublin.—Reciting his Majesty's letters dated at Westminster March 3, 1608-9, and that the Corporation of the town of Youghall has petitioned the Lord Deputy to renew their old charter, with confirmation of their ancient privileges and endowment of such other reasonable franchises as he shall think convenient, "which, in regard they have been sundry times very much decayed and brought to low estate by the wars and rebellions of this kingdom, and that it is a place fit to be cherished as being very commodious for traffic and may be of great importance and consequence for his Majesty's service and the commonwealth, we have thought fit to condescend to their suit." Warrant to make out a *fiant* for the renewing of the charter of the said town, etc., provided that special care be had of his Majesty's interest in the great and petty customs and in the subsidy of poundage and tonnage. *Signed. Countersigned by* He[nry] Perse.

Underwritten: "You are likewise to have relation to the Lords of the Council's letter in their behalf bearing date the 20th of January last past before the date hereof."

For the King's letters see Cal. S.P. Ireland, 1608-1610, *p.* 154, *and for that of the Lords of the Council,* Ibid., *p.* 133.

SIR ARTHUR CHICHESTER to SIR JOHN DAVIES.

1609, Dec. 4. Dublin.—Warrant to make out a *fiant* of a grant (pursuant to his Majesty's letter dated at Hampton Court Sept. 22 last past) to Robert Bowen, gent., and his son Oliver, for their lives and that of the survivor, of an annuity or pension of 3*s.* 4*d.* English to commence from the feast of St. John the Baptist last past and to be paid by his Majesty's Under-Treasurer out of his Highness's revenue of Ireland. *Signed. Countersigned by* He[nry] Perse.

For the King's letter see Cal. S.P. Ireland, 1608-1610, *p.* 289.

SIR ARTHUR CHICHESTER to HIS MAJESTY'S ATTORNEY or SOLICITOR GENERAL.

1609, Dec. 17. Dublin.—Warrant to make out a *fiant* of a grant (pursuant to his Majesty's letters dated at Westminster July 8 last past) to Patrick Taaffe, for life, of an annuity or pension of 2*s.* 6*d.* English (or 3*s.* 4*d.* Irish), to commence and be paid, etc., as in the last. *Signed. Countersigned by* He[nry] Perse.

The LORD DEPUTY and COMMISSIONERS to SIR JOHN DAVIES.

1610, Nov. 19. Dublin Castle.—Reciting that Capt. John Bourchier and Capt. Francis Cooke, to whom his Majesty has lately granted 2,000 acres of land in the precincts of Orier, co. Armagh, have petitioned them for a fair and market to be held at Ballyclare, parcel of such land. "And forasmuch as we conceive the same to be a principal mean to draw commerce among that people in a short time and plant civility there, by reducing the natives thereof from their Irish customs into conformity of life"—warrant to insert in one of the *fiants* of the said lands a grant to the said John and Francis and their heirs of a fair to be held yearly on May day and three days after (omitting Sunday if it should fall within that period), and a weekly market to be held on Saturday, both at Ballyclare aforesaid, reserving to his Majesty the yearly sum of 6*s.* 8*d.* to be paid to the Vice-Treasurer or General Receiver of Ireland. *Signed at the head:* "Arthure Chichester," *and at the foot:* "Thomond, Tho[mas] Dublin Canc., Th[omas] Ridgeway, Ry[chard] Cooke." *Endorsed:* "Let this fair be inserted in Cap. Cooke's."

SIR ARTHUR CHICHESTER to SIR JOHN DAVIES.

1610, Dec. 4. Dublin Castle.—Reciting that William Crowe, esq., and William Bradly, gent., who hold jointly the offices of Custos Brevium, chirographer and clerk of the King's silver in the Court of Common Pleas in Ireland, have petitioned the Lord Deputy to accept a surrender of their letters patent of those offices and to regrant the same to them by other letters

patent. Warrant to draw forth a *fiant* of the said offices to the said William and William, to hold during good behaviour, with all fees, etc., belonging thereto in as ample manner as they formerly enjoyed the same. *Signed.*

PETITION of TIBBOTT, LORD BOURKE, to the LORD DEPUTY and COUNCIL.

[c. 1610.]—Showing that for four or five years past he has been a petitioner both at this table and in the High Court of Chancery and the Court of Exchequer that some speedy course might be taken for an inquiry to be made after the deaths of Richard, late Lord Bourck, and Thomas Bourke his brother,(1) and for that purpose several commissions were awarded and several days appointed in the said Court of Exchequer, yet, through the manifold delays of those that take upon them to patronize the supposed son of the said Thomas, all the inquiries are deferred. The petitioner, thinking the inquiry should go forward this term without further delays, has brought up several aged and impotent witnesses, yet his Majesty's learned counsel absolutely denies to proceed the taking of the said inquiry, which the petitioner thinks is laboured by his adversaries of set purpose in hope that his witnesses should die or not be able to travel hither again. He therefore prays that they will call before them his Majesty's Attorney General and take such order with him that either the inquiry may go forward or that such of the petitioner's witnesses as are now in this city may be examined before any indifferent commissioners.

PETITION of WILLIAM CULLUM to the LORD DEPUTY.

1611, June 23.—Showing that the petitioner lately exhibited a petition to the Lord Deputy for a grant of two fairs yearly and one market in the town of Ardagh O'Connell, co. Limerick, situate near the mountain foot of Straflogher, which was referred to Sir John Davies, knight, Attorney General, who signified his opinion that such fairs and market were meet to be granted; and praying that he would give warrant to his Majesty's counsel at law for passing the same to the petitioner.

Underwritten: "Let one fair and market be therefor inserted in the letters patents. (*Signed*) Arthure Chichester."

Endorsed: "The humble peticon of William Collum. Faeir and market." *Also:* "May Day a fayere in Ardaghe. Monday a market there. xs. I leave a blanke."

The date given is that of the order.

(1) Brothers of the petitioner, who were both killed Jan., 1599-1600. The petitioner assumed the title of Baron Bourke of Castle Connell as against his nephew Edmund, son of Thomas, whom he asserted to be illegitimate. This however was disproved, and the petitioner was in 1618 created Baron Bourke of Brittas. See *Cal. S.P. Ireland*, 1603-1606, *p.* 473; 1608-1610, *p.* 260; 1611-1614, *p.* 332.

The LORD DEPUTY and COUNCIL to SIR JOHN DAVIES.

1611, Oct. 7. Dublin Castle.—"Whereas for the increase of his Majesty's revenue in this kingdom we have thought fit to lay an imposition of 18*d.* lawful money of and in England upon every pound of tobacco that is now within this kingdom or that hereafter shall be imported or brought into the same, and also for every gross of tobacco pipes 2*s.* like money and so ratably for every dozen that now is in this kingdom or [etc., as above] (all tobacco pipes that are or shall be made therein excepted), which imposition we have thought meet to set to farm to our well-beloved Sir Hugh Pollard, knight, and his assigns for the term of seven years beginning at Michaelmas last, he or they paying unto his Majesty, his heirs and successors the rent of 20*l.* English yearly during the said time:" warrant to draw forth a *fiant* signifying his Majesty's commandment for the said imposition and granting it to the said Sir Hugh in manner specified above—such *fiant* to be sent to the Lord Deputy and Council fair engrossed in parchment to be further passed by them. *Signed at the head:* "Arthure Chichester", *and at the foot:* "Thomond, G[eorge] Carew, Th[omas] Ridgeway, R[ichard] Wingfelde, Ol[iver] Lambart, Fra[ncis] Russhee"; *also:* "Pa[trick] Foxe."

Cf. Cal. S.P. Ireland, 1611-1614, *p.* 530.

SIR ARTHUR CHICHESTER to SIR JOHN DAVIES.

1612, July 7. Dublin.—Reciting that his Majesty, by his letters dated at Westminster March 19 last past, has authorized him to confirm to Francis Annesley, esq., the office of Constable of the fort of Mountnorris, with the fee or entertainment of 4*s.* Irish a day for himself and 6*s.* 8*d.* Irish a day for the maintenance of ten warders or soldiers, together with certain lands belonging thereto (which office, etc., he now holds). Warrant to draw up a *fiant* of the said fort, lands and fees to the said Francis for his life—such *fiant* to be sent to the Lord Deputy to be further passed by him. *Signed.*

Originally addressed to Sir Robert Jacob, Solicitor General, but altered.

For the King's letters see Cal. S.P. Ireland, 1611-1614, *pp.* 257, 258.

SIR ARTHUR CHICHESTER to SIR ROBERT JACOB, Solicitor General, or any other of HIS MAJESTY'S COUNSEL.

1612, July 7. Dublin.—Warrant to draw up a *fiant* (pursuant to his Majesty's letters dated at Westminster May 25, 1612, "which herewith we send to you") of the office of Muster-Master General and Clerk of the Checque of his Majesty's forces in Ireland to Francis Annesley, esq., to hold from the death or other avoidance of Sir John Kinge, knight (who now holds those offices) for the term of his life. *Signed.*

SIR ARTHUR CHICHESTER to SIR JOHN DAVIES.

1612, Nov. 13. Chichester House.—Order to draw forth a *fiant* of incorporation (pursuant to his Majesty's letters dated Sept. 26 last past) to the persons hereunder written, by the name of Portreeve and burgesses of the town of Newcastle, co. Wicklow, enabling them to send burgesses to the Parliament, etc.—such *fiant* to be sent to the Lord Deputy fair engrossed in parchment to be further passed by him. *Signed. Countersigned by* He[nry] Perse.

For the King's letters see Cal. S.P. Ireland, 1611-1614, *p.* 286. *See also the similar order for* "the town of Newcastle, co. Dublin," *dated the* 26*th of the same month.* Ibid., *p.* 304. *The list of names is the same in both orders, except that in the present document* Rich. Clerke *appears in place of* Jno. Lush.

SIR ARTHUR CHICHESTER to SIR JOHN DAVIES.

1612, Dec. Chichester House, near Dublin.—Warrant to draw forth a *fiant* of pardon to Mulmorie McBrian O'Reilly and the rest of the undernamed persons [in the same terms as that on *p.* 28], leaving a blank for the fine—such *fiant* to be sent to the Lord Deputy fair engrossed in parchment to be further passed by him. *Signed. Countersigned by* Geo[rge] Sexten.

The names underwritten: Mulmory McBrian O'Reylly of co. Cavan; Cahire McBrian O'Reilly of the same; Cahell Ferrall O'Reillie of the same; Thomas Myles (in prison in the King's County); Shane Rushe (Kildare); Hugh Roe O'Mulloy (King's County). *The last three names added by Chichester, the words in brackets being in the margin and not in his hand.*

Underwritten by Sir Francis Rush: "May it please your lo., these men have stood long upon protection, and during the same have carried themselves well and do now by all humble suit crave his Majesty's gracious pardon, so, if it shall stand with your lo.'s good liking to show them their favour and mercy under correction, I think it not amiss, in hope of their honest and loyal behaviour hereafter. And thus much I thought good to certify your good lo. Fran. Ruisshe."

The day of the month has been omitted from the date.

ARTHUR, LORD CHICHESTER, to SIR JOHN DAVIES.

1613[-14], Jan. 10. Dublin.—Warrant to draw forth a *fiant* of a licence for Sir Thomas Ridgway, knight baronet, Vice-Treasurer and Treasurer at Wars in Ireland, to go into England about his special affairs. *Signed. Countersigned by* Geo[rge] Sexten.

Underwritten by Chichester: "The licence to be of force for four months next ensuing."

LORD CHICHESTER to SIR JOHN DAVIES.

1613[-14], Feb. 24. Dublin.—Warrant to draw forth a *fiant* of pardon [in the same terms as that on *p.* 27], leaving a blank for the fine, to the undernamed persons, who have been certified by Sir Toby Caulfield, knight, and Sir Fulke Conwaie, knight, as being "no notorious offenders nor charged with any criminal offences." *Signed. Countersigned by* Geo[rge] Sexten.

The names underwritten (all described as yeomen, *except where otherwise stated):* Of co. Armagh—Shane McHugh O'Quyne, husbandman; Dowaltagh oge McDowaltagh O'Donelly; Hugh Carragh McShane boy O'Donilly; Tirlagh McCooloe McCan; Donell McArt O'Neale; Neile McCon McTirlagh Brasslagh O'Neale; Alexander McEver McDonell; Shane McPatrick McEyirre; Donell McShane oge O'Cullan; James McThomas O'Fallegan, scholar; Patrick McHugh oge O'Mullchriene; Hugh McDonell McMulldony; Shane McOwen I'Lougheran; Murtagh McMurtagh O' Brulleghan, labourer [who was to be excepted from the proviso that the pardon should not extend to those in prison or upon bail]; Con O'Neile McHenry Backagh O'Neile; Patrick Grom McFarfinegle O'Donell; Art McThomas O'Hue; Tirlagh oge McDonell O'Neale; Phellemy McToole McDonell; James McEver McDonell; Owen McGory O'Beggly; William Duffe McPatrick More McAtty. Of co. Tyrone—Art McPhellemy O'Neile; Tirlagh McPatrick boy McEyirr; Tirlagh McManus boy McCawell; Phelim McRory boy O'Hagan; Patrick Modder O'Mulley; Collow McToole Ballagh McDonell; James oge McToole Ballagh McDonell; Donogh McPatrick O'Lougheran; Phellemy O'Conree, labourer; Dermodd O'Conree, ditto; Shane Crone McReane, ditto; Owen McRean, ditto. Of co. Farmanagh—Brian McArt McReigney; Owen McMurtagh O'Carr; Hugh Duffe McMurtagh O'Carr; Keese McMurtagh O'Carr. Of co. Monaghan—Art McRosse McMahon, gent.; Patrick McParson O'Dowy; Hugh McParson O'Dowy; Patrick McOwen McClane; Patrick oge McGillarne. Of co. Down—Hugh McArt Magenisse; Donell oge McQuoad. Of co. Leitrim—William boy O'Hesslenan; Dermod McCoyne of Corlish. Of co. Sligo—Dermod O'Dowd of Ballymoghan. Of co. Dublin—Edmund O'Delan, late of Killmachioge.

LORD CHICHESTER to SIR JOHN DAVIES.

1613[-14], Feb. 24. Chichester House.—Warrant to make out a *fiant* of pardon [in the same terms as the last] to the persons undernamed, some of whom have been condemned but reprieved by the judges, while others have been certified as persons not detected with any notorious offences or as worthy of commiseration. *Signed.*

The names underwritten: Of co. Londonderry (*the first five described as* yeomen, *the rest as* husbandmen)—Bryan McConelly;

Owen McEdmond McShane O'Hagan; Teige O'Gowen McOwen; Shane O'Cahan Mc a Corbe; Edmund Grome McShane Duffe McCloskie; Manus O'Hassan; Donoho O'Hassan; Patrick Grome McAwarde; Cormocke Modder McCloskie; Morishe McPhellim McCloskie; James Carrogh McCaly; Shane Buy McCloskie; Hugh Cugh McCloskie; Shane McBryen McCloskie; Turlo McColo McGoragan; Edmund McGarrell; Knogher McGarrell; Henry McAdalin; Henry McHugh McClaman; Hugh O'Neale McNeale. Of co. Armagh (*all described as* yeomen *save the first*)—Laughlin O'Cullen, husbandman; Shane McPhellomy O'Donnell; Dowaltagh McPhellomy O'Donnell; Teage O'Mulcrine (" excepted from the clause of bail "); Owen O'Neale McDonnell McShane Mellatt. Of co. Tyrone (*all described as* yeomen *save the last*)—Owen McEually; Hugh Duffe McKann; McHugh Murtagh Duffe McKann; Phellemy oge McDonnell; Manus O'Mullarkie; Rowrie Ballagh McGuisenan; Shane O'Neale McHugh oge. Of co. Kildare—Dermod McDermod; Thomas Murphie; John Murphie. Of Dublin city—George Foster, gent. (" pardoned for treason "); Owen McMahowne (" reprieved in the Newgate of Dublin, excepted from that proviso "); Mullmorye McOwen (" reprieved in the Castle, to be excepted from that proviso "). Of co. Wexford—Martin Hayes (" condemned and reprieved at Wexford, to be excepted from that proviso "); [Bryan Evally McDonell of Ballyfarmagh, *entered but afterwards struck out*]. Of co. Cork—Con McCahire O'Connor; Stephen Miagh; Dermod McBryen McSwyny; Dermond McShane Ylomesny (?); Edmund Condon of Cargan. Of co. Mayo—Dominic Linche (" condemned and in prison, to be excepted from that proviso "). Of co. Kilkenny—William oge McKearowle O'Dullany, *alias* William oge McWilliam O'Lallor (" reprieved at Kilkenny, and so exempted from that proviso "). Of co. Sligo—Catherine ny Doyle, *alias* Donell (" reprieved in the gaol of Sligo, and so," etc.); Thomas O'Kerycan of Bonen. Of co. Down—Nicholas Bodye of the Newrye. Of Queen's County—Thady Doyne of O'Regan, esq. Of King's County—Rowry O'Birne of Ballyburley; William O'Heelan of the same. Of co. Donegal—Neale McBryen McTurlogh O'Galchor; Hugh McBryen McTurlogh O'Galchor; David Crawford of Tredonell (?). Of co. Tipperary—Patrick Purcell FitzMorice, late of Loghmoe; William Archdeacon, yeoman, of Clonmell (" excepted from the proviso of bail "). Of co. Fermanagh—Peter Duffin, gent. Of co. Meath—Thomas Reggny of Marshall town, yeoman. *Also the following*—John Eyly and John Evans (both " in the Castle of Dublin, to be exempted from the proviso of being in prison "); Richard Power of the Hale, Shane O'Henis, late of Ballinagh, and Teige Boye McDermott of Moyngart (" these three to be exempted from the proviso in prison and upon bail "); William O'Kelly of Walter ston, shoemaker.

LORD CHICHESTER to HIS MAJESTY'S COUNSEL or any of them.

1614, Dec. 1. Dublin.—Warrant to draw a *fiant* of pardon to George Foster of Dublin, gent. [in the same terms as that on *p.* 18]. *Signed. Countersigned by* He[nry] Perse.

PETITION of WILLIAM DUHARTY to the LORD DEPUTY.

1615, Nov. 22.—Showing that the petitioner by descent from his father is seised in his demesne as of fee of one quarter of land in co. Tipperary called Clonebegg, and that Sir Edward Fitton, knight, obtained of the late Queen a grant by letters patent of (among other things) the said quarter of land, supposed by the said patent to have come to the Crown by the Statute of Dissolution of Abbeys, whereas it had continued the patrimony of the petitioner's ancestors many hundred years as their lay fee and never was parcel of any spiritual corporation, in consequence of which the petitioner was constrained to become the tenant of Sir Edward; and that Sir Edward's estate therein has been conveyed to Tyrrelagh McCragh, esq., son of the Archbishop of Cashel, who has had lately an inquisition upon some commission to inquire of his lands, thereupon to pass the same upon some new letters patent to be passed unto him either upon particular letters or some general commission of surrenders or defective titles, at the taking of which commission the petitioner, who is ready to prove his title, did enter his claim: and therefore praying that some *caveat* be given against the passing of the said quarter of land in the new intended patent upon any other title to his Majesty than the first letters patent were, *viz.*, by the dissolution of abbeys, or that in such new patent there may be some special saving of the petitioner.

Underwritten: "22 of November, 1615. We require the King's Counsel at Law or one of them to consider of what is desired by this petition, before any grant pass. (*Signed*) Arthure Chichester, Geo[rge] Midensis, R[ichard] Wingfelde, Toby Caulfield, Ed[ward] Blayney."

Overleaf: "24 of Novem. 1615. There is notice taken of this petition and *caveat* in the office of the King's Solicitor General. (*Signed*) Edw. Bevars."

The date here given at the head is that of the underwritten order, the petition being unsigned.

LORD CHICHESTER to HIS MAJESTY'S COUNSEL or any of them.

1615, Nov. 26. Chichester House.—Warrant to make out a *fiant* of a grant to Walter Harrison, esq., of a yearly fair to be kept at the Abbey of Crynileighe, co. Leitrim, upon St. Luke's day (Oct. 18) and to continue for two days, together with a weekly market there upon the Thursday, leaving a blank for the rent (without any fine) and inserting the usual clauses and provisoes. *Signed. Countersigned by* He[nry] Perse.

LORD CHICHESTER to HIS MAJESTY'S COUNSEL or any of them.

1615, Dec. 11. Chichester House, near Dublin.—Warrant to make out a *fiant* of a grant of the offices of Clerk of the Crown and Peace within the counties of Wicklow and Louth and the county of the town of Drogheda and the liberties of the same to Robert Dixon, gent., and Francis Dixon, gent., to be exercised by them or either of them or the deputy or deputies of them or either of them, and to be held for their lives and that of the survivor during good behaviour, with all fees, etc., belonging, in as ample manner as Nicholas Birforde or William Bradley held the same. *Signed.*

Underwritten by Chichester: "This is granted upon surrender to be made of a patent formerly granted of these offices unto William Bradley and Robert Dixon."

JAMES I to SIR OLIVER ST. JOHN, Lord Deputy of Ireland.

1616, July 18. Theobalds.—Warrant to confirm to Arthur, Lord Chichester, late Lord Deputy, his lands, etc., in Ireland. *Copy.*

SIR OLIVER ST. JOHN to SIR JOHN DAVIES or SIR ROBERT JACOB.

1616, Nov. 27. Dublin Castle.—Warrant to draw up a *fiant* of a grant to the Archbishop of Ardmagh, primate of Ireland, of a fair every June 15 and a market every Friday at Tynon, co. Ardmagh; reserving to his Majesty a yearly rent of 13*s.* 4*d.* Irish. *Signed.*

SIR OLIVER ST. JOHN to SIR JOHN DAVIES or SIR ROBERT JACOB.

1616, Dec. 30. Dublin Castle.—Warrant to draw up a *fiant* of a grant (pursuant to his Majesty's letters dated at Westminster Oct. 18 last past) to Sir John Beare, knight, by new letters patent (upon surrender to be made by him of his old patent) of the office of his Majesty's Serjeant at Laws for Ireland, with the yearly fee or stipend of 50*l.* English in lieu of all other fees, rewards and entertainments, the first payment for one half year to begin at Michaelmas. *Signed. Countersigned by* Hen[ry] Holcroft.

SIR OLIVER ST. JOHN to SIR JOHN DAVIES or SIR ROBERT JACOB.

1616[-17], Jan. 14. Dublin Castle.—Warrant to draw up a *fiant* (pursuant to his Majesty's letters dated at Westminster Nov. 1 last past) of letters patent of erection and establishment of an office of Public Register of all Births, Baptisms, Marriages and Burials in Ireland, to be executed and kept in four several places, *viz.*, within the dioceses of the primacy of Armagh,

Dublin, Tuam and Cashel, and for granting the said office to Sir George Keare, knight, with an allowance of 6*d.* sterling for every baptism, marriage and burial, to hold for twenty-one years, paying a yearly rent of 10*l.* sterling at his Majesty's Receipt of Exchequer of Ireland; inserting therein all other requisite matters and clauses. *Signed. Countersigned by* Hen[ry] Holcroft. *Endorsed:* "Mr. Rob. Morgan."

For the King's letters see Cal. S.P. Ireland, 1615-1625, *p.* 140.

SIR OLIVER ST. JOHN to SIR JOHN DAVIES or SIR ROBERT JACOB.

1616[-17], Feb. 28. Dublin Castle.—Warrant to draw forth a *fiant* containing a licence to Sir John Denham, knight, Chief Justice of his Majesty's Pleas in Ireland, to "make his repair" into England and to remain there for the despatch of his own private affairs as long as he shall think good; with licence to Francis Dade, Clerk of the Crown of the county of Wexford, and Edward Lee, one of the customers of the port of Dublin, to attend the said Sir John to England and to spend some time in the study of the laws, remaining there for one year from the date of the present warrant. *Signed. Countersigned by* Hen[ry] Holcroft.

SIR OLIVER ST. JOHN to SIR JOHN DAVIES or SIR ROBERT JACOB.

1616[-17], "the last day of February" [*originally* 29th, *but altered*]. Dublin Castle.—Reciting his Majesty's letters, dated at Westminster Dec. 18 last past, for the erecting of the office of his Majesty's Almoner in Ireland for the distribution of such allowances as shall be appointed for public works and charitable uses, and commanding the Lord Deputy to cause a grant of the office to be made to the Lord Primate of Armagh. Warrant to draw forth a *fiant* of a grant of the said office to the said Lord Primate, with the yearly fee of 100*l.* sterling, which he is to pay and allow himself out of such perquisites and profits as are to be annexed to such office—the *fiant* to be drawn up according to the tenor and effect of the said recited letters. *Signed. Countersigned by* Hen[ry] Holcroft.

Cf. Cal. S.P. Ireland, 1615-1625, *pp.* 151, 168.

SIR OLIVER ST. JOHN to SIR JOHN DAVIES.

1616[-17], March 16. Dublin Castle.—Warrant to draw forth a *fiant* containing a grant to Walter Bourk of Turlaghe, co. Mayo, esq., and William Barrett of Kiernan, co. Mayo, gent., their heirs and assigns, of all the castles, towns, lands, tenements and hereditaments whereof they were found by inquisition to be seised, and which are contained in a particular in the custody of the said Sir John, together with such lands as Walter McUlicke Bourke, Edmund Barrett, Piers Barrett, Rickard

Barrett, John Barrett, Edmund Boy Bourcke, Thomas McSteven, William McGillanaw (?), Connell oge McDonnell and Moyler McSteven were found to be seised of by the said inquisition, in the name of the said Walter Bourke, whom the said parties have assigned to receive and pass the same; inserting therein all such savings, reservations, clauses, creation of a manor, court leet and court baron, with a fair and market, granted to the said Walter, as appear by a former warrant affixed to the said particular. *Signed.*

SIR OLIVER ST. JOHN to SIR JOHN DAVIES.

1616[-17], March 18. Dublin Castle.—Reciting his Majesty's letters, dated at Westminster Dec. 13, 1616, requiring him to make a grant of pardon to Sir Moyses Hill, knight, Provost Marshal of the province of Ulster, "because in strictness of law he may be questioned for the execution of offenders by martial law, notwithstanding his Highness's commission authorizing him thereunto." Warrant to draw forth a *fiant* of pardon to the said Sir Moyses for all manner of offences by him committed, as well in foreign parts as in any of his Majesty's dominions [etc., in the same manner as that on *p.* 28]. *Signed at the head and at the foot. Countersigned by* Hen[ry] Holcroft.

Underwritten: "Mr. Attorney, you are requested to insert William Hill into this pardon, to be pardoned of all such offences, and with such conditions and exceptions as the same is here passed to the said Sir Moses Hill."

SIR OLIVER ST. JOHN to HIS MAJESTY'S COUNSEL or any of them.

1617, May 29. Dublin.—Warrant to draw forth a *fiant* containing a grant to William Hill, gent., of the office of Comptroller of his Majesty's Customs in the port of Drogheda and the creeks and bays belonging thereto (now vacant by the surrender by John Challenor of his patent), to hold during good behaviour, with the yearly fee of 20*l.* Irish payable out of the customs so long as they shall be in farm, otherwise by the hands of the Vice-Treasurer and General Receiver of the revenues of Ireland, together with all other fees, etc. *Signed. Countersigned by* Hen[ry] Holcroft.

Cf. Cal. S.P. Ireland, 1615-1625, *p.* 151.

SIR OLIVER ST. JOHN to SIR JOHN DAVIES or any other of HIS MAJESTY'S COUNSEL.

1617, May. Dublin.—"Whereas through want of good and profitable trades and handicrafts the people of this kingdom, especially the poorer sort, are brought up and live for the most part idly without any employment or faculty to get their livings by, to the great impoverishment of the realm; and forasmuch as George Baddelye of London, merchant, hath made suit unto

us for a licence to be granted unto him and his assigns for the sowing of seeds whereof oil is to be made, and for the making of oils, soap ashes and soap, wherein great numbers of poor people might be employed and be also commodious for the commonwealth of the whole kingdom, as well by staying great sums of money in the country which yearly are exported for that commodity as also by the maintenance of traffic and increase of his Majesty's customs by the exportation of the surplusage of that which shall be made more than there is use for in the kingdom, besides a yearly rent which it will yield to the increase of his Majesty's certain revenues," the Lord Deputy gives warrant to draw forth a *fiant* containing a grant to the said George, his factors, servants, assigns, etc., of full licence for twenty-one years from the date of these presents to sow seeds and grind or break them for making all sorts of oils in any place in Ireland which they shall compound for, and to burn into ashes any such wood, herbs or roots as they shall plant, buy or procure in Ireland or elsewhere, and to boil or make as much soap of all sorts as they shall think necessary, with power to erect mills, workhouses and other needful buildings in any place in Ireland which they shall compound for, and to sell such goods without let or disturbance, transporting as much thereof as they shall think good to any parts beyond the seas in league and amity with his Majesty, paying only such customs as shall be due for the same—to hold for twenty-one years, paying to his Majesty the yearly rent of 300*l.* sterling for the first seven years and 60*l.* sterling for the rest of the term; inserting in such *fiant* a clause prohibiting all other persons in Ireland making any such soap during the said term, under penalty of such fines as shall seem good to the Lord Deputy and Council, and authorizing the said licensees to seize any soap so made, one moiety thereof to go to his Majesty and the other to the licensees, and inserting all other usual clauses and a proviso that, if within the space of two years next ensuing the date of the letters patent the licensees shall not begin to make the said goods, then the licence shall be void. *Signed. Endorsed:* "Baddily pur sope."

Sir Oliver St. John to Sir John Davies.

1617, June 3. Chichester House.—Warrant to draw up a *fiant* containing a grant of licence for selling and retailing of wines and for making and selling of *aqua vitae* ["or usquebaugh," according to the affixed certificate] to Jasper Hurleston and Martyn Flemming of Drogheda, merchants, according to the contents of the articles of agreement recited in the certificate of the agents thereunto affixed, inserting therein all other usual clauses and provisoes. *Signed.*

Affixed is the petition of Samuel Smith and George Richards, deputies for James, Lord Haye, and Sir Henry Yelverton, praying the Lord Deputy that the above licence may be passed under the Great Seal, to continue during the life of Walter Carus of Drogheda,

and after his death during that of William Brett of the same town, with a proviso that, in case of the non-payment of the yearly fines and rents, such licence shall become void. June 2, 1617. *Signed:* "*Sa. Smith, Geo. Richards.*"

SIR OLIVER ST. JOHN to HIS MAJESTY'S COUNSEL or any of them.

1617, June 4. Dublin.—Warrant to draw forth a *fiant* containing a grant to Stephen Allen, esq., of the office of his Majesty's Attorney General at Laws in the province of Ulster (void by the death of Humphrey Mounke, esq.), with the yearly fee or stipend of 66*l.* 13*s.* 4*d.* Irish, to be paid by the hands of his Majesty's Vice-Treasurer and General Receiver of the revenues of Ireland out of the fines and casualties of the said province, together with all other fees, etc., belonging to such office, to hold during good behaviour in as ample manner as the said Humphrey or John Farewell formerly enjoyed the same. *Signed.*

SIR OLIVER ST. JOHN to HIS MAJESTY'S COUNSEL or any of them.

1617, June 11. Chichester House, near Dublin.—Warrant to draw forth a *fiant* containing a grant to the Lord Bishop of Down and his successors of a fair to be held yearly at Ballyglonan upon the lands of Aghohill, co. Antrim, on August 15 to continue for two days after (omitting Sunday if it should fall within such period), together with a weekly market at Ballyglonan upon the Wednesday, with all the usual rights, privileges, etc.; leaving a blank in such *fiant* for the rent to be reserved to his Majesty, and inserting therein all usual clauses and provisoes. *Signed. Countersigned by* Hen[ry] Holcroft.

SIR OLIVER ST. JOHN to HIS MAJESTY'S COUNSEL or any of them.

1617, June 11. Chichester House, near Dublin.—Warrant to draw forth a *fiant* of a grant or commission (pursuant to his Majesty's letters dated at Westminster April 26 last past, "which we herewith send you") to Sir William Jones, knight, serjeant at law, of the office of Chief Justice of his Majesty's Chief Bench in Ireland, with all fees, etc., belonging thereto. *Signed. Countersigned by* Hen[ry] Holcroft.

SIR OLIVER ST. JOHN to HIS MAJESTY'S COUNSEL or any of them.

1617, June 18. Dublin.—Warrant to draw forth a *fiant* containing a grant to Thomas Reyves, doctor of the civil laws, of the office of one of the Masters of his Majesty's Court of Chancery in Ireland (void by the death of Doctor Dwynn), with the yearly fee or stipend of 20*l.* English payable out of the

revenues of Ireland by the hands of his Majesty's Vice-Treasurer and General Receiver thereof, and with all other fees, etc., belonging to the said office, to hold during his Majesty's pleasure in as ample manner as the said Doctor Dwynn formerly held the same. *Signed.* *Countersigned by* Hen[ry] Holcroft.

Cf. Cal. S.P. Ireland, 1615-1625, *pp.* 105, 106, 173, 174.

SIR OLIVER ST. JOHN to HIS MAJESTY'S COUNSEL or any of them.

1617, June 20. Dublin.—Warrant to draw forth a *fiant* containing a grant to Sir Thomas Phillipps, knight, of a fair to be held at "the Newtown of Lymavadye," co. Londonderry, upon St. Luke's day and to continue for two days after (omitting Sunday if it should fall within that period), with a weekly market there upon the Monday, with the usual fees, profits, etc.—leaving in such *fiant* a blank for the yearly rent to be reserved to his Majesty and inserting therein all other usual clauses. *Signed.* *Countersigned by* Hen[ry] Holcroft.

SIR OLIVER ST. JOHN to HIS MAJESTY'S COUNSEL or any of them.

1617, July 11. Dublin.—Reciting that John Stoughton, gent., his Majesty's Customer in the ports of Drogheda, Dundalk and Carlingford, has petitioned him that Edward Raymond, gent., might be joined with him in the said office. Warrant to draw forth a *fiant* of a grant to the said John and Edward, and the longer liver of them, of the said office, to hold during good behaviour, with the yearly fee or stipend of 20*l.* English payable out of the customs by the farmers thereof, or, if they cease to be in farm, by the hands of his Majesty's Vice-Treasurer or General Receiver of the revenues, together with all other fees, profits, etc., belonging thereto, in as ample manner as the same were formerly granted to the said John, Christopher Hesketh, or any other. *Signed.*

PETITION of [WILLIAM DANIEL,] Archbishop of Tuam, to the LORD DEPUTY.

1617, July 14.—Showing that the towns of Kilmaine and Kilgaovnir, co. Mayo, belonging to the petitioner as part of the see of Tuam, have no market near them where they may sell and retail their wares, and therefore praying for a grant of a free market to be kept in Kilmaine every Friday and one yearly fair to be kept there upon St. Luke's day (Oct. 18), as also a market to be kept in Kilgaovnir every Thursday.

Underwritten: Directions by the Lord Deputy to his Majesty's Counsel or one of them to draw the *fiant* of a grant to the above effect, leaving a blank for the rent. *Signed:* "Ol. St. John."

The date is that of the underwritten directions, the petition being undated.

SIR OLIVER ST. JOHN to HIS MAJESTY'S COUNSEL or any of them.

1617, July 22. Dublin.—Warrant to draw forth a *fiant* containing a grant to Richard Percivall, esq., his Majesty's Clerk and Register of his Highness's commission for the surveying and disposing of his Wards and Liveries and other dependencies upon his Majesty's tenures, of licence to repair to England for his own special occasions and to remain there for three months from the date of the present warrant, leaving a sufficient deputy in his absence. *Signed. Countersigned by* Hen[ry] Holcroft.

SIR OLIVER ST. JOHN to HIS MAJESTY'S COUNSEL or any of them.

1617, July. Dublin.—Warrant to draw forth a *fiant* of a grant to James Turner, esq., of the offices of Treasurer's Remembrancer and Second Remembrancer of the Exchequer of Ireland (void by the death of Thomas Carewe, esq.), to hold during good behaviour, with all fees, etc., belonging or which were heretofore received by the said Thomas or Robert Bysse, Christopher Bysse, John Dongan or any other officer of that place. *Signed. Countersigned by* Hen[ry] Holcroft.
The day of the month has been omitted in the date.

SIR OLIVER ST. JOHN to HIS MAJESTY'S COUNSEL or any of them.

1617, Sept. 29. Dublin Castle.—Warrant to draw forth a *fiant* containing a grant (pursuant to his Majesty's letters dated at Falkland July 9 last past, "which we send you to peruse") to Lancelot Lowther, esq., of the office or place of one of the Barons of his Majesty's Court of Exchequer in Ireland (vacant by the death of Sir John Elliott, knight), the payment of his fee or stipend to begin from Lady Day last past. *Signed.*

SIR OLIVER ST. JOHN to [HIS MAJESTY'S COUNSEL or any of them].

1617[-18], March 1. Dublin Castle.—Reciting the surrender by Mclaughlin O'Maddin, esq., into his Majesty's hands of several parcels of land in co. Galway, and his petition to the Lord Deputy regarding the same. Warrant to insert a clause in the general *fiant* for the province of Connaught for the creation of the lands of the said Mclaughlin "which properly are his own" in that county into one entire manor to be called the manor of Skeaghcourt in the barony of Longford with a court baron to be held there, and for the erection of a weekly market to be kept at Clare in the same county every Monday and one fair there yearly upon St. Lawrence's day (Aug. 10), or the Monday following if that day fall upon a Saturday or a Sunday, and to continue for two days after, reserving to his Majesty the yearly rent of 20*s.* Irish. *Signed.*

SIR OLIVER ST. JOHN to SIR JOHN DAVIES or SIR ROBERT JACOB.

1618, May 23. Dublin Castle.—Warrant to draw forth a *fiant* of pardon [in the same terms as that on *p.* 27] to Edmund Magenise of Loughan, co. Down, and the other persons thereunder named, leaving a blank for the fine.

The names underwritten : Of co. Down—Owny ny Connoghor of Loghan ; Shane McHutere of Bally McHuter ; Hugh McEver Boy Magenise of Greeneoge ; Donell McArt Magenise of Iland Derry ; Con Modder Magenise of Dromravaddy ; Hugh oge Magenise of the same ; Richard Haughton late of Newry (" to be excepted from pleading his pardon ") ; Donell Cane McBrady of Lisnevachorkie ; Bryan O'Duffie ; Philip O'Duffie ; Thomas O'Duffie. Of co. Tyrone—Conn McTirlagh O'Neale ; Robert McGill ; Toole oge O'Mellane ; Patrick Modder O'Mellane ; Bryan O'Mellane. Of co. Carlow (Catherlagh)—Donnogh O'Byrne of Dromguyne. Of co. Wexford—James McDonnogh O'Doyle. Of co. Dublin—Morogh Gormely of Killenenan. Of co. Antrim—Con Modder O'Neill ; Owen O'Neill ; Charles Magee ; Neill McGillcoller ; Donnell Magee ; Ever McAnully ; Cullo McAnully ; Ogen O'Donnegan ; Art O'Donnegan. Of co. Crosse-Tipperary—Paul Kearny of Cashell, burgess. *Signed. Countersigned by* He[nry] Holcroft.

SIR OLIVER ST. JOHN to SIR JOHN DAVIES.

1618, Nov. 12. Dublin Castle.—Warrant to draw forth a *fiant* containing a grant (pursuant to his Majesty's letters dated at Westminster June 18 last past) to Lady Hester Lambert, late the wife of Lord Lambert, deceased, of the wardship of the body and lands of her son Charles, Lord Lambert, with the benefit of his marriage and the custody and profit of his lands, to hold during his minority. *Signed. Countersigned by* He[nry] Holcroft.

PETITION of JAMES [SPOTTISWOOD], Bishop of Clogher, to the LORD DEPUTY and COUNCIL.

1633[-4], Feb. 26.—Showing that, whereas the petitioner and his predecessors did ever resolve that the island of Devonish upon Lough Earne in co. Fermanagh was the most convenient place to reside, " where there are alreadie a good begining of building and all comodities fitting for building and howsekeeping, unto which alsoe belongeth fower tates of ould measure, viz., two tates of Fanagrane, two tates of Tallagh, found by the great office and inquisition to apertayne to the secular preiste of Collidea and by his Majestie's instructions and graunt confirmed to the Bishop of Clougher and his successors " ; and whereas the tenants of the petitioner's predecessor were by their leases bound to aid him with day's works when he should build there ; yet while his said predecessor was in England about the

business of the Church he was dispossessed by Sir John Davies, then King's Attorney, of and from the same, and, although the petitioner has preferred divers petitions to the Lords Deputies and Lords Justices for the time being, yet the said Sir John in his own time and now Lord Hastings and his agents, by pretence of title from him, and taking advantage of the petitioner's other troubles, have still shifted the examination of their title and kept possession, to the hindrance of the petitioner's perfecting of that good work intended by his predecessors: and praying that they would call Lord Hastings's agent before them and, on finding the matter as stated, order that the petitioner be restored to his right.

Underwritten: Order, dated at Dublin Castle, requiring the said agent either to restore the premises or to make his appearance before them to show cause to the contrary. *Signed:* "Wentworth." *Copy. Endorsed:* "The coppie of the Bp. of Clougher's pett. against the lo. Hasting, the 26th of Februarie 1633."

The date here given at the head is that of the order, the petition being undated.

XIII.—CORRESPONDENCE OF JOHN BRAMHALL, BISHOP OF DERRY, 1634–1660, AND ARCHBISHOP OF ARMAGH, 1660–1663.

WILLIAM LAUD, Bishop of London, to DOCTOR [JOHN] BRAMHALL, Chaplain to the Lord Deputy of Ireland, at Dublin.

1633, Aug. 16. Fulham House.—"I thank you for the accompt which you have given me concerning the Church of Ireland, but am heartily sorry to hear the horrible profanations which have seized upon the houses of God in that kingdom. I gave my Lord Deputy some remembrances in writing, and one of them was about his stable, which I hope he will change, unless he mean to teach his horses to preach or to pray. I pray ask him who intended to make a riding-house of the body of the old church at Yorke? But in earnest my Lord cannot serve God better, nor do himself more honour, than by making his government famous in the vindicating of God's houses from such abominable abuses. And this I think my Lord may do with no great difficulty, if he is as patient as he is stout, and then *thorough*. And I pray tell him I say so.

"The clergymen must needs be as ignorant and base as is their means: and their residence cannot be great where they have not to eat while they reside. But less or great, great pity it is that any one man should hold so many with cure, and I hope my Lord with the assistance of the Archbishop will remedy that, and the sooner the better. And the revenues must needs be neglected to the loss of the King as well as of the Church, where the book of taxes hath been so negligently kept, and so many alienations of Church possessions made as you mention. But I pray remember my service to my Lord and tell him that I hope this will put him in mind of that great business of the impropriations, and his Majesty's settling such as are in his power upon that poor Church, which is likewise upon my remembrances, and my Lord cannot do a more honourable work. And I am heartily glad to hear that he hath begun at his own chapel. I make no doubt but the rest will follow upon those honourable intentions which you say and I believe he hath. And what service I may be able to afford him towards the work he shall be sure of.

"I am glad to hear the Dean of Cassells [Cashel] is come well thither, I hope he will do good service. And for the disunion of the Roman party, I heard enough of that from my Lord Primate at my being in Scotland. I have given my Lord thanks

for his extraordinary favour to Mr. Croxton, and I hope he will approve himself so well there, both for life and learning, that I shall have thanks for sending him thither." *Signed.*

For the letter from Bramhall to Laud (dated Aug. 10, 1633) *to which this is an answer see Bramhall's* Works (ed. 1842), i, lxxix.

JOHN BRAMHALL to WILLIAM LAUD, Archbishop of Canterbury.

1633[-4], Feb. 19.—Fear of offending and trespassing on the public good has hitherto witheld me from congratulating your advancement.

I hope shortly to give you an account of the 50*l.* due from the Bishop of Waterford, whose whole bishopric worth 2,000*l.* a year being detained from him he lately presented a petition about a few proxies. I have obtained a petition against the Lord Treasurer for witholding from the bishopric of Lismore 1,240*l.* I expect another from him and his brother of Corke and the other Fellows for the college of Youghall, worth 700*l.* a year, and probably all the rest that have suffered under him will come in when they see the great oak begin to shake so much. One or two remarkable acts of justice and my Lord's resolution to settle this Church have already abated the vast opinion of his omnipotence. But I have advised they should rather address themselves to his Majesty or you that their cause may come commended to my Lord with more authority and a kind of necessitation. Hitherto nothing has been attempted for the good of the Church but with prosperous success. The clergy begin to rouse themselves in expectation. "For the restoring of those impropriations yet not aliened from the Crown my Lord *de facto* confers them daily upon the Church, but I doubt nothing can be done validly *de jure* until there be a special Act of Parliament for that purpose." *Draft, written on the back of Laud's letter of* Aug. 16, 1633. (*See above.*)

WILLIAM LAUD, Archbishop of Canterbury, to DOCTOR [JOHN] BRAMHALL.

1633[-4], March 11. Lambeth.—"I thank you for your love and well wishing to my remove from one great trouble to a greater: in which place I shall need not only the wellwishings but the prayers of all my friends."

I shall be very glad to receive the money due to the college from the Bishop of Waterford. But do not rely too much upon his word. I am very sorry he keeps his old wont and has carried himself so unworthily. Yet if he and his brother of Corke will petition the King for the [bishopric] of Lismore and the college of Youghall, they will make some amends for their former sacrilegious baseness. And if any such petition come to my hands, I will do the Church all the right I can, and it will

be very handsomely carried if the petition may come recommended hence to the Deputy.

Keep the Deputy mindful of the business of the impropriations. I know he disposes them very nobly, and if they cannot be safely disposed of to the Church but by an Act of Parliament, God send an Act to pass when time shall serve. But Mr. Attorney says they may be passed otherwise, were all men else as willing as the King. "But I know not how, the Church must always find [some] rub or another."

I hear nothing but good of your labours and hope I never shall hear other. If I should, though I will hope it proceeds from malignity, I will give you notice of it.

Postscript.—"I pray be careful to get the college money from the Bishop of Waterford. I cannot be quiet till I get it out of his fingers.

"I pray fail not to send me word what means my Lord Mount Norrise allows Mr. Croxtone, and how 'tis like to fare with him in those parts." *Signed.*

JOHN BRAMHALL to [THOMAS, VISCOUNT WENTWORTH,] Lord Deputy of Ireland.

1633[-4], March 17. Killalowe.—"May it please your Lordship at some intermission from your serious affairs to give audience to a poor traveller and his jejune observations (so I am sure some of them were). My success in Meath and admission to that dignity which your bounty and noble favour conferred upon me, I suppose the Master of the Rolls hath related to your honour.

"From thence I travelled fifty miles to the old Burre or new Parsons Town before I met with any remarkable footsteps of a plantation or at least any society of planters. This only town I found yet in all my journey fit to accommodate a traveller, having tradesmen in it of all kinds. Some pretty beginnings of clothing. It is pleasantly situated in the heart of the kingdom in an indifferent good soil, well wooded and watered. At the end of the town is a marble stone of a pyramidal form placed in the ground, hollow within and so deep that a man before it was filled up with rubbish could not perceive the bottom with a spear, conterminous of old to all the provinces, where the Irish kings used to meet in public consultation. The natives call it the navel of Ireland. Thence I passed over two rivers within a mile in Ormond. The neighbours gave large testimony of the fruitfulness of it. Perhaps too much expectation did mislead my judgment. But the soil is for the most part good, the worst let for 2*s.* an acre and the best for half-a-crown. The disproportion is much greater, but the stupidity of the natives will not suffer them to discern it, whose usual practice is to glut themselves the one half of the year and to fast the other. I found in it two dainty seats, the one the castle of [*illegible*] built by King John, which is now my Lord

Ormond's, the other called Modrenith [? Modreeny], possessed by one Carrell, a native, a brave place built in King John's time by one Lord Bremmengham and by him planted with English, which the hedges and other badges in several parts of the country do discover. It is generally fit to be improved, stored with turf and wood and limestone able to make their grounds rich. The much best part of it both for wood and soil is about the abbey of Lurrah near the banks of the Shannon. A good intelligent husband would do himself no hurt here by taking of farms, the soil being the cheapest (all things considered) and corn and other commodities the dearest that I have observed in my journey. Sir Nicholas White hath of late it seems smelling a plantation bought up sixteen or seventeen ploughlands in fractions, with an intention no doubt to get subtraction for them in gross. He buys them almost for nothing, a devise formerly practised by their neighbours in the King's County to the great prejudice of his Majesty, as, if it were fit to be inquired into, would appear.

"After I had spent almost the whole day here, towards evening I went two miles out of my way to view the silver mine, which in my judgment, being not much versed in that kind, goes on very prosperously. I found lead there in my estimation above 300 ton, and ore above ground for making lead twice so much. They get their ore with the most facility that ever I see, some part of it much richer than others and most part resembling rather gravel than ore, yet they say four ton of ore will make a ton of lead. The mine is visibly four yards thick and near dry. How deep it goes they have not discovered. Wood and turves supply them with fire. They are able to make about ten ton a week of lead, and out of a ton of lead they will clear by the extraction of the silver about five marks, all charges and loss in the lead deducted. This I have from the relation of the workmen and their overseers, upon whose credit I relate it.

"Now your Lordship may please to conceive that I am arrived at Killalowe, a church and a bishop's palace built here for no end that I can find but for the conveniency of weirs for catching of eels. Upon the barrenest and worst bank of the Shannon, church, houses, soil, inhabitants do not one disgrace another. My first care here was to clear Sir Daniel O'Brian's title, which with all the diligence and fidelity I possibly could use, by the help of my ancientest brethren of the clergy, by sending for the most intelligent laity in these parts to whom I could pretend any relation, I have at length effected, and found one of the witnesses living; another of them died within this month. I have also met with an old Irishman, one Rorye MacGrath, who was bailiff or serjeant to old Mauretius for these very lands in question, and having had conference with him first by an interpreter privately and then before sundry that understood Irish publicly, I find him agreeing in all things

with the depositions read to your Lordship and the other commissioners. He tells me likewise that his fellow serjeant, or rather his master in that office, is in the gaol in Cashel at this very instant and both can and will declare as much as himself hath done. These for the ancient times testify point-blank against Sir Daniel and say he cannot deny it, and I am in some hope to produce some lease or leases made by the bishop for further confirmation. It appears by these ancient men that this is the least part subtracted from his see. The bishop intends to bring them up with him at Easter to have them sworn *in perpetuam rei memoriam* and for that purpose desires a warrant to bring them in. I have told him of his private colloquy with Sir Brian in Christ Church and suspicion of oath taken for secrecy. He denies the oath but resolves hereafter to be a th[o]rough man for the good of this Church.

" Nor have I been unmindful of myself here, for I have gained the consent of all parties considerable for the parsonage of Ogashen, worth at the least 120*l.* a year but witheld from the church at 50*s.* a year towards my Lord Archbishop of Tuam his *commendam*. The other two rectories in Tuam, all without cure, will almost if not altogether make up his 300*l.* *per annum*. The churches are all ruinous, the clergy for the most part miserably poor, the parishes many of them so small that they might much better be united. Many presentative livings swallowed up by impropriators. In Kilfanora 22 churches, and of all the ministers not a man but two only hath his wife conformable. I have given the poor clergy notice of your Lordship's sending me on purpose to see the state of them and your propension to do them good, who fill heaven and earth with prayers for your honour and yours, and depart home the most contented men and best satisfied in the world. They that have refractory wives promise to do their endeavours to conform them before the next term and send certificates of it. This is the sum of my serious observations in these parts." *Draft.*

The Lords of the Council in Ireland to [? John Bramhall, Archdeacon of Meath].

1634, April 7. Dublin.—Approving of a design to translate the church of Drumchoose to Newtowne of Limavaddye, where a new church is to be built at a charge to the parish of 150*l.*, Sir Thomas Phillipps paying any surplus; to unite the parishes of Termonany and Killelaghye, rebuilding the church of Termonany for both parishes; to take a like course for Comyn and Ballinaskrine; and expressing the opinion that the restraint on the felling of timber within the county does not apply to wood felled for building and repairing churches, which is for the good of the plantation and therefore excepted from the restraint. *Eight signatures. Endorsed in Bramhall's handwriting.*

JOHN BRAMHALL, Bishop of Derry, to WILLIAM LAUD, Archbishop of Canterbury.

1634, May 26.—Affairs of the Church in Ireland.—"I hope that our seculars will petition the Parliament against the regulars, who in some parts of the kingdom begin to be subdivided, as of late a great controversy is hatched at Limericke between the Franciscans on the one part and the Jesuits and Dominicans on the other. The occasion is two sermons preached by two eminent Franciscans, and the latter sermon being against the express order of the Vicar General, wherein they taught to the great prejudice of the other orders that St. Francis once a year upon his anniversary day descended from heaven into purgatory and delivered from thence the souls of all the Franciscans that he found there, which, say the priests, is a greater heresy than ever Luther or Calvin taught."—The writer's personal affairs. *Draft.*

JOHN BRAMHALL, Bishop of Derry, to WILLIAM LAUD, Archbishop of Canterbury.

[1634, Aug. 21.]—I have sent you the Bishop of Waterford's 40*l.*, with his letter, together with a letter from the Archbishop of Tuam to testify his readiness to exchange his *commendam.* I have got the number of the King's impropriations. The next session you may expect an exact account of the value. This day the Dean of Cashell was elected Provost by the Fellows. They are troubled that he refuses the oath, which the Lord Deputy has dispensed with until your pleasure be further known. My Lord of Killmore left with me new statutes for the university, but the Provost being best able to judge of them, I make no animadversions upon them, yet shall be most ready to assist him. Mr. Stawton has promised me that this next term he will estate his ten impropriations after his death upon the Church, and in the mean time has allowed every vicar half tithes. Sir Robert Kinge has concluded with Sir George Radcliffe and myself for eleven impropriations more at four years' purchase, if his father Sir John King, who is now in London, will consent, and howsoever has promised to restore them to the Church immediately after his father's death. I am also in treaty with the greatest farmer of the King's impropriations, 400*l.* a year very easily rented and the lease sixteen years in being. He demands six years' value but I suppose would take five. By which few instances you see that much good might be done this way if we had but an indifferent stock providently managed, reserving something yearly out of each so purchased for a small term towards preserving the principal. The Lord Chancellor has written to you in behalf of his chaplain for a dispensation. He deserves well of the Church and particularly in this Convocation has behaved with much judgment and moderation. Lady Roe,

whom I must confess to have deserved well of the see, is suitor for the quarter's rents in the vacancy of the bishopric, which will not come to above 150*l.* clear; a grave matron and one that loves our tribe. It is for my predecessor's children, who are meanly provided for. I am glad that my Lord (by your means, I suppose) is taken off from presenting Dean Sutton, who is an honest exemplary man and except for that one act (which was the fault of the times) blameless; which he is ready to redeem both with purchasing on impropriation and by other good service to the Church. For a like breach of the Act Doctor Monnypenny is willing to give 150*l.* to the same use. Of these moneys I hope to give you an account from Derrye, whither I am going. The tenants have proferred me good fines for the confirmation of their leases, which I have refused but compounded with some of them for improvement of rent at very near 100*l.* a year. This Parliament two Acts were proposed prejudicial to the Church, against mortuaries and for limitation of action, but we made a shift to stop both. I am tied by promise not to acquaint you with the passages in the Convocation House. The Irish articles had like to be confirmed the very last day of the session, so far as was in the House, within two hours after they were proposed and received, together with the English, without consulting his Majesty or his Deputy; nay, I dare say before most that were present had read them, notwithstanding the canon at the Council of Cashell that the Irish Church should be in all points conformed to the English. What exceptions are against them you know well. For this kingdom and at this time they are most incommodious. But we are now contented, I think, to let them slumber, and by the 36[th] article to set up the English without any noise or show of retracting the former. I have drawn the rough draft of sundry acts and the heads of some canons necessary for the Church, which have been seen and allowed by the Primate and sundry bishops. The necessity and use of them is most evident to those that know the state of this Church. If you will appoint any chaplain to peruse them, if he doubt of anything I shall by letter resolve him what is the ground of it. *Draft.*

William Laud, Archbishop of Canterbury, to John Bramhall, Bishop of Derry.

1634, Oct. 1. Croyden.—Thank you for your care and pains. I have received my Lord of Waterford's letter and the 40*l.* due to the college. I have likewise received my Lord of Tuam's letters of his readiness to put off his *commendam*; now he is willing I have nothing to say.

I am very glad you have gotten the number of the King's impropriations; it will be much easier, that being known, to get the value. When you have both, desire the Deputy from me so to weigh all the particulars that his hand may be to the valuation, that I may have no farther put offs on this side.

I have written to him what I have done with the King about a stock to buy in other impropriations.

I am very glad the Dean of Cashells is made Provost of the college; I hope it is the beginning of good there. I have received from thence a copy of the statutes, of which I will take as present care as I can, but have received a great heap of business from Ireland and Scotland. What oath it is the Provost refuses I cannot guess, unless it be that in the statutes. And if it be that, desire the Dean to send me the clause or clauses, for it may be the oath deserves amendment as well as any other part of the statutes.(1) I thank the Deputy very heartily for dispensing with him in the meantime. And since I am upon the mending of statutes, you should do well to send me over those new ones which my Lord of Kilmore has made, that I may consider of all together.

I am glad the Lord Chancellor of Ireland is so good a friend to the Church, but for his chaplain, Mr. Atherton, there can no good be done in the way which is desired.

God speed you well at Derry, you are in a good way for that bishopric. For that which concerns the Lady Roe I hear nothing as yet, but will give her the best assistance I can.

"I am glad you made so good a shift to stay the Acts in Parliament that would have proved so prejudicial to the Church. And for your business in Convocation, since you are tied by a promise to secrecy, I shall be very well content to be ignorant, either altogether or at least till such time as you may speak more freely. Only I am glad to hear from you that the English articles are like to speed so well. And since you write that by an Act in the Castle Chamber the Irish Church is to be conformed to the English in all points, it were not amiss, I think, that you keep as close to the English canons as you can, which need not hinder your addition of such others to them as the necessity of that Church may any way require. And for the draft of those acts and heads of canons which you have sent, I have read them all over myself and return them to you by this bearer, with very few animadversions upon them, such as I could make in haste." *Signed.*

JAMES USSHER, Archbishop of Armagh, to JOHN BRAMHALL, Bishop of Derry.

1634, Oct. 23. "*Scripsi raptim, Pontanae* [Drogheda]."—"I have perused the Act, and enlarged it in such manner as it may serve for the commodity of all our sees. For howsoever your chapter be legally renewed, yet the case is otherwise in Armagh, Clogher and Raphoe; the main defect of the confirmation of the leases there depending upon the invalidity of the present chapters. And to that end have I inserted the clause that the Lord Deputy and Council's approbation shall

(1) *Added in the margin:* "And since I began to write these letters I have this advertisement from the dean himself."

supply the defect of the Dean and Chapter's consent. And for mine own part I am sure that if the confirmation of what I do must depend upon the consent of such a dean as I am clogged withal, the Act will do me no good at all. I have likewise left out the particular mention of the escheated counties; which is without any prejudice to yourself and the other bishops, and a special furtherance to me. For if the leasing for sixty years should be confined within those counties, I should not be enabled to recover the manor of Turlogh in Connaght by the Earl of Niddisdale's means, who hath undertaken the charge of the business upon condition of the renewing of his lease upon such terms as my Lord Deputy should set down. So, rendering your Lordship much thanks for imparting this draft unto me (before the transmitting thereof into England), I commend you to God's blessing."

WILLIAM LAUD, Archbishop of Canterbury, to JOHN BRAMHALL, Bishop of Derry, at Dublin.

1634[-5], Jan. 16. Lambeth.—"I thank you for the large and fair accompt which you have given me in your late letters of Church affairs. As for Downe and Conner, I have often times heard of great inconformity there, and I perceive now 'tis true; but if my Lord hold constant (as I know he will) to his resolution, and you to the execution of it, that business will be better mastered than e'er it was, and their long table of good fellowship a little reformed.

"I am glad your own diocese gives you such content; and that you are like to advance and settle it to more profit, and make an open way for my Lord Primate and some other bishops. But I must tell you, we here like not that branch of the Act of Parliament for 60 years, and have reduced it to 21; nobody giving me notice, till your letters came, and with the latest, that this was ordered in regard of plantation, and that according to the concession of King James.

"I am very glad so many men as you mention are so willing to be either free, or reasonable in the restitution of impropriations. Yet as well as I like both the restitution itself, and the Act that is made for it, I pray God it be well fenced, in some circumstances; else it may give a great blow to some of your bishoprics, and by way of example quite undo some of the best of ours. I shall take the best care I can, if it be not too late.(1) As for my Lord Cromwell, I am sorry his agent hath dealt so untowardly in this business. I see that lord seldom, but if it be my good hap to meet with him, I will do the best service I can in the business.

"This passage in your letter, and the next, his Majesty likes extremely well, and in testimony of his approbation did presently without any sticking command me to write unto you, that you

(1) *In the margin:* "That which made me write this is a misinformation out of Ireland, but I have read over that Act since, and all is well."

should go presently on to overthrow the fee farm of Sir John Fitzedmonds; and promises if you do it, that the 700*l.* a year issuing out of Cloyne shall go first to buy in impropriations; and then afterwards he will either erect a bishopric at Cloyne, or confirm the union of it to Corke, as he shall find fittest for the Church and government. For the rest I leave you to go by way of sub[sidy] or free contribution, as your own judgment leads you.

"I hear not yet of your petition concerning such impropriations as are in the Crown, and their value; when it comes it shall be very welcome. You know I have sat very long upon this egg, and could never hatch it; and therefore I hope you are persuaded I shall be heartily glad of any thing that shall come in help and assistance to me. I have hitherto been blocked up, upon great surmises of the value, but I fear, if that rub be removed, another may be cast in the way. But howsoever, I'll go on with all the resolution that may be, to bring it out to a happy issue.

"I am glad the Archbishop of Tuam hath given content, by his resignation. But for your Lady Roe, I do not well know whom you mean, for the lady of that name with whom I have been long acquainted is here in England; and any other of that name I do not well remember; therefore, sure there is some mistake. The Lady Roe hath a sister there, that was married to the Lord Anger [Aungier], and if you do not mean that lady, sure there is none in Ireland that knows me.

"I have received the draft of statutes, which you sent, and though business lie very heavy upon me, yet I shall make all the haste of those statutes that I can. Some animadversions the Provost hath already sent me, and if more come, they shall be welcome. But certainly you cannot do him better service, nor that kingdom neither, than to get some of the most factious senior Fellows (of which I hear one that hath been a soldier is the ringleader) some way preferred out of the college. And when they are out, I think some towardly Englishmen might be sent out of our universities to begin a good example and settlement in that college for the Irish to follow; which yet I leave to your judgments, which are upon the place.

"I am glad the articles for England are so well passed, and I have given my Lord Deputy thanks for his care. But certainly there was *tacitum inimicorum genus*, and I gave my Lord Deputy a doubtful intimation of it before, but 'tis no matter now, since all is well passed, what the opposition was. It may be, 'tis better now than if there had been none, and for my part, I think so. For now you are as certain as you could any way [have] been; and yet you know what enemies you may expect upon like occasions; and perhaps know who those enemies are.

"You did very well rather to rely upon the canon, in the case of simony, than to have a lame statute, that should hurt one way, more than it did good another. And for the differences

in Convocation, seeing all is at peace with you there, I shall take no notice of them, but let them pass. I heard not of Mr. Croxton's preferment to that good benefice, but by you, and therefore by you I shall desire to give my Lord thanks; and I hope he will carry himself so well, as that my Lord shall have no cause to repent of his kindness towards him.

"I have given my Lord an accompt of Doctor Bruce his business, but as yet I hear not of him here. My Lord himself made stay of those letters concerning Dean Lesly, and Dean Andrewes hath the grant of the bishopric of Fernes and Leighline. It went against my stomach for his deliberations but the fools scratch his being an instrument out of him, and his fiddle too. I hope notwithstanding all attempts, this session will end as well as the former, and then there is a fair way made for good to be done to that Church, God be thanked for it; to whose grace, and the care of the impropriations, which are in the Crown, I leave you." *Signed.*

JOHN BRAMHALL, Bishop of Derry, to WILLIAM LAUD, Archbishop of Canterbury.

1634[-5], Feb. 18.—Concerning lands belonging to the Irish bishopries, and other affairs of the Irish Church. *Draft.*

WILLIAM LAUD, Archbishop of Canterbury, to JOHN BRAMHALL, Bishop of Derry, at Dublin.

1634[-5], March 4. Lambeth.—Before the return of my last letters I saw I had made a mistake concerning the statute which gives way to the bishops in Ulster to let leases for 60 years. It was quite forgotten by myself and not observed by any other of the committee that the plantation was in those parts and that the tenants had in being already more than twice one and twenty years, and therefore would not renew for one and twenty.(1) I am glad the Deputy has sent back the statute, and I will certainly do the best I can that it may be kept in force, and those bishops have the benefit of it. As for the clause concerning the Deputy and the Council's consent, I did not understand the reason of it till your letters came: namely, that you could not trust one of your company for succession. Pray send me word who that one is; not that I purpose to hurt him, but I think it fit I should know him.

I easily believe the alienations of Church possessions have been many and unconscionable. England has been bad enough, and therefore I may easily conceive Ireland has been much worse. Had not the Deputy been very hearty in all these services which belong to the Church, there could not have been such remedy in many years as is now likely to be in few.

(1) *In the margin:* "This business is settled and you shall have your statute to your desire."

I have received your note containing the true state and value of the appropriations yet remaining to the Crown in Ireland, together with the copy of the petition of the clergy; when it comes over with authority to the King, I shall be the more ready and furnished to do that Church the best service I can. "I heartily pray God, that I may find neither rub nor delay here, but I fear both."

When the Act you mention comes, I shall take it into as good consideration as I can. If it appear so beneficial to the poor vicars in Connagh as you write, and that there shall be valuable compensation made to the bishops out of the escheated land, I shall be very loath to hinder a certain good in that kingdom for a probable fear in this.

I am glad you have got an answer from the referees and shall expect all you promise concerning it at the next return.

I am sorry you are at another stop about the English canons, and I have again desired the Primate to put them to the House at all adventures. I make as little doubt as you do of their passing, but some men's weaknesses must be borne, for their worth-sake. Yet, for fear of the worst, though I never had less leisure in my life, I have caused my chaplain to compare the canons which the Primate has sent me with our English canons, and to except against them as narrowly as he could; and I have reviewed these places myself, but dare not warrant I have made anything perfect. Therefore be careful that nothing pass inconvenient. I have pressed the English canons to be received *formaliter*, a little the softer to the Primate; because you write that the addition of some few canons is very necessary for that kingdom. So I leave the farther care of this business upon you.

I hope the Deputy will stick close to Mr. Croxton. The Primate's exceptions are but pretentions. I dare say his sufficiencies cannot be excepted against. But the truth is, the young man showed himself too forward in the Convocation, and that makes the Primate doubt he will not serve some turns. I thought that if he had run into ordinary errors, the Primate would have passed them by for my sake. For I think I may say, without vanity, that both the Primate and some others in that Church owe me as much. I persuade myself you will not see him causelessly discouraged, for that will discourage me from sending any more of his worth and abilities. *Signed.*

Endorsed in Bramhall's handwriting: "Added to the answer within contained.

"1. My Lord Primate's desire of an amnesty.

"2. My care to supply the omissions.

"3. The weapon salve taken out.

"4. My Lord of Downe's improvement from 20 nobles to an hundred pounds.

"5. Wait upon my Lord in Connaght.

"6. Sir John Fitzedmonds. Done."

WILLIAM LAUD, Archbishop of Canterbury, to JOHN BRAMHALL, Bishop of Derry, at Dublin.

1635, May 11. Lambeth.—"I am glad the last Acts rested a night in Ireland before the Parliament rose, and that they passed so well as they did. God send that Church and the bishops of Ulster joy of them.

"Had I remembered that Clogher was one of the bishops in Ulster, I should never have troubled you to have given me any accompt who that bishop had been, that was and now is careless of succession. For I have known him of old, and had not I been at the Council-table, when he came thither about his pretended plantation, he would quite have swallowed up that bishopric. And yet what with my want of knowledge of that country and the fair pretentions which he made to other lords and the earnestness of some of his countrymen for him, he prevailed in more than was fit to be granted to a man of his disposition. 'Tis true that his brother hath robbed him of all things that are worthy. But if you can keep him in the mind of changing Clogher for another bishopric, it shall go hard but I will do it, and send a better into Ulster; but I fear this statute of great improvement will keep him there."

I perceive when I writ last, my letters were not come to you concerning the impropriations. Therefore I shall write no more of them till I hear whether all be done according to your desires. If it be, there's an end; if not, you shall have the letters mended in what form you will.

"It is very well gained by my Lord, if he hath gotten a confirmation for coercive power to the clergy to take off the canons of excommunication, whereas all Parliaments here have complained of the one and yet would never grant the other. By which they made it plain their endeavour was to take off all power from the Church, but to grant none."

If Croxton deserves not well, let him have his merit. But if he do, I hope you will see him preserved. By notes of one of his sermons, sent over to my chaplain, I see well enough what his crime is.

"That some beneficial Acts to the Church were denied by the House of Commons need be no wonder; this rather is, that those are passed, which may preserve it from spoil, and give it capacity to receive the free gifts of devout persons. So 'tis a happy Parliament for you, and a very honourable one for my Lord.

"God bless your free Church of Ireland, though for my part I do not think the canons of the Church of England would have shot any freedom of it. And howsoever, it is better having them materially and in substance with peace, than formally with heart burning among yourselves. And little hurt can come by this alteration, and with it there will be some good. For though the canon of subscription lie a little too much under covert, yet there it is; and some other canons have in some things

mended the English, as well as in some others fallen short. But particularly I thank my Lord Primate and you for that about confession, for it may do a great deal of good, and an act of state may remedy the business of pluralities and *commendams* well enough. As for my Lord Primate, you must indulge somewhat to him, considering his honesty and worth, and you shall do all very well to forget the personal slips in the time, and thank God for his great blessing upon that Church by the present government.

"I thank you heartily for your pains, and am glad of the good success for the Bishop of Downe, and God send you well into your diocese, and back too, and with my Lord into Connaght. And I pray tell my Lord when he goes, that I have lived all this while without any land in England, and that therefore I hope he will take order that I shall have a reasonable proportion in Connaght, or Ormond, which he will, that so I may have some good occasion to come into Ireland against they are weary of me in England." *Signed.*

JOHN BRAMHALL, Bishop of Derry, to WILLIAM LAUD, Archbishop of Canterbury.

1635, June 28.—I received not your letters until I was come to Derry, so I crave a respite for my answer until I meet the Deputy in Connaght, which I trust will be about a fortnight hence.

"If your Grace had been as expert in improving of land as you are in bettering the state of a church, it had been an act of prudence to have given you a proportion in Connaght or Ormond. But to bestow it on a new beginner is to cast it away. And if your Grace be not weary of managing the affairs of the Church before churchmen (I except only fools and knaves) be weary of you, you may by the favour of God and his Majesty stay eternally at the helm, where you are deservedly placed for all our good."

Since my coming into the country I have reconciled all differences between the Bishop of Raphoe and his tenants, so that bishopric will be worth 1,000*l.* a year.

His late Majesty by rule of plantation bestowed 700 acres on a free school at Derry, which has been swallowed up no man knows by whom, but certainly not without the fault of the Surveyor General, who stands infinitely indebted to the Church of Ireland for such supine oversights. If I can contrive that this school may have a part of its own and his Majesty receive no prejudice, I beseech your assistance. *Draft, written on the back of Laud's letter of* May 11, 1635. (*See above, p.* 67.)

JOHN BRAMHALL, Bishop of Derry, to WILLIAM LAUD, Archbishop of Canterbury.

1635, [July] 20. Sligoe [——] Athlone.—My Lord arrived here last night. The progress succeeds most prosperously. It is in our

choice to have the bishops' land found in the several offices for the King or excepted for their proper sees respectively. It would be for his Majesty's honour to be the founder of the Church of Connaght as his father was of Ulster, but I see both great danger and great advantage if they be found for the King. It overthrows all subordinate estates and leaves them entire to the Church, but confirms those estates which have been gained surreptitiously from the Crown. If we except them, it preserves the Church from such surreptitious patents, but leaves it subject to those abominable alienations that have been made by ourselves. Here is neither the Archbishop of Tuam nor the Bishop of Elphine or Clonfert to advise me, but only Killalla. For the present I conceive it safest to have them excepted in the offices and yet each see to pass them from the Crown.

The united bishopric of Downe and Conner is vacant since Friday last, when the Bishop died. If a Disciplinarian should succeed him, farewell hopes of better order and revenue. It is believed that the lords of Claneboge and the Ardes will labour it for some private respects. With the improvement of 100*l.*, which I made by consent, it will be worth between 400*l.* and 500*l.* *per annum* in present, in expectation better. The people wholly Scottish, no man so well acquainted with it as Dean Leslye, nor more capable, if it please you to commend him. Mr. Croxton has resigned his dignity without cure, for which 110*l.* is offered, for a benefice with cure of 50*l.* My Lord is still resolved to preserve him, but his affections are not so warm towards him. *Draft, written on the back of Laud's letter of* May 11, 1635. (*See above, p.* 67.) *Probably written at Sligo.*

WILLIAM LAUD, Archbishop of Canterbury, to JOHN BRAMHALL, Bishop of Derry, at Dublin.

1635, Aug. 3. Croyden.—I am glad all things pass so well in the business of Conna. If the other counties do as Rosse Common has lead the way, my Lord will have a prosperous journey and the King great service. As for the Church, I am sorry you are fallen under such a dangerous dilemma, but we have a gracious King and for aught I can yet see you are upon the best resolution that may be, namely to have them excepted in the offices and after to pass them from the King.

I have heard complaints long since that the diocese of Downe has been more troubled with inconformity than any other part of Ireland. And I remember the then bishop made a great apology about it, which I perceive was but a flash of false fire to save his own reputation, for it seems that complaint was too true. Therefore, a bishop must not be made for private ends, but for the public. I like very well of Dean Lesly and shall do for him what I may.(1)

(1) *In the margin:* "The King hath given Dr. Lesly the bishopric of Downe."

I am very sorry Croxton should so notoriously play the ungrateful man towards my Lord. As for playing the fool with himself, in exchanging a dignity for a far worse living with cure, he will be punished enough with his own folly. I am much beholding to my Lord that he will for my sake make him able to live. More favour than that I shall never ask for him, nor shall I so much as ask after him, but leave him to bear the burden he has brought on himself. Yet if any good counsel of yours can prevail with him for his own good, I shall be glad of it. *Signed.*

WILLIAM LAUD, Archbishop of Canterbury, to JOHN BRAMHALL, Bishop of Derry, at Dublin.

1635, Oct. 8. Croyden.—On behalf of Mr. Yorke, a minister who held two benefices in the diocese of Derry, of one of which the Bishop has deprived him. *Signed.*

JAMES USSHER, Archbishop of Armagh, to JOHN BRAMHALL, Bishop of Derry.

1635, Oct. 27. Drogheda.—Thank you for procuring a dispensation for my absence. I entreat you to be further mindful that the patent for the High Commission may be so drawn up that my presence be not necessary in the execution thereof. I should advise that the commission should be every way as large as those erected heretofore; however the execution go forward in such branches only as the Lord Deputy shall think fit. I like your resolve to pass the reversion of all the appropriations of a diocese in one patent. My register shall attend you next term with a note of all in my diocese. I have likewise given order for getting information of the rents belonging to my see, although it must be given out that all the rents are to be doubled. For if it were known that an abatement were to be allowed unto any, all would expect the same favour. Lord Calfielde has promised to begin with his good example of doubling his rents, and divers others, I doubt not, will follow him. The accepting of a lesser proportion of augmentation is to be reserved unto the last place; which without the help of many that may be drawn to double will be no considerable increase of the revenue of the archbishopric.

WILLIAM JUXON, Bishop of London, to JOHN BRAMHALL, Bishop of Derry.

[? 1635.]—Regretting his inability to do the Church that service he had desired in the question of the tithe fish, which is respited until Michaelmas term. Recommending the bearer, Mr. Forward, an Oxford man, who has some preferment in Ireland.

Robert Forward, Fellow of Oriel College, Oxford, was appointed Precentor of St. Patrick's, Dublin, in 1635, *and eventually became Dean of Dromore. See* Alumni Oxonienses (*early ser.*), ii, 519.

JAMES USSHER, Archbishop of Armagh, to JOHN BRAMHALL, Bishop of Derry.

1635[-6], Feb. 25. Droghedah.—Thanking him for his assistance in the augmentation of the rents of the archbishopric.

CHARLES I to THOMAS, VISCOUNT WENTWORTH, Lord Deputy of Ireland.

[1636.]—Warrant for a regrant of Youghal to the Earl of Cork. *Sign manual. Incomplete. For a draft of the whole see* Lismore Papers (*2nd ser.*), iii, 271.

JOHN BRAMHALL, Bishop of Derry, to JAMES USSHER, Archbishop of Armagh.

[? 1636-7,] Jan. 10. Derry.—"Out of ease to your Grace and in pure respect, I have now been silent these three weeks from telling you tales of my Presbyterian jugglers, who are every day more and more improved in hocus-pocusing. In some places they now hold their conventicles on Sunday mornings before day; yet others of them are more barefaced and stay till the sun is up. Yet at our quarter sessions yesterday the grand jury (all Scots) would find no presentment of that nature, though I can more than half prove some of themselves were at a great conventicle the last Sunday at Aghadewy. And on Sunday sennight at least 300 met just at the Bann's side in my Lord of Downe's diocese to hear a godly schismatic of mine, Mr. Fulton, edify that barren corner. I shall thank my Lordship if he will please to keep him, now he hath him."

I am pursuing as best I can the Lords Justices' last letters. I hope they will make some example of Will of Clandermott, now that he is in the pursuivant's hands, else it will be very uneasy sitting for me here. I have been forced to execute the church censures upon some most contumacious offenders, who I hear will appeal. I wish they may. *Draft.*

WILLIAM LAUD, Archbishop of Canterbury, to JOHN BRAMHALL, Bishop of Derry, at Dublin.

1637, April 5. Lambeth.—For the conference between my Lord of Downe and his Nonconformists, I cannot discommend his good intention nor commend his discretion to suffer that which was settled by public authority in the Church to be disputed against by refractory spirits. "But I do not wonder that those men should make a false and unworthy repetition of the day's work. For never yet did I know any conference held with them, private or public, that was afterwards set down by them according to truth." In that respect also my Lord of Downe should have been a little more careful not to have entered upon the conference. I think 'twere not amiss he were spoken withal or, if absent, written to either by the

Deputy or his Archbishop, to advise him from holding any more conferences without special command by both Church and State. That will be best for my Lord himself, because then, if the report of the conference come to the King's ear, I can the better answer how sensible both Church and State there have been of this unwarrantable proceeding. "And more than probable it is, if they have spread a pamphlet to cry up themselves and their cause, that hither it may come and to the King's knowledge.

"Your other business is greater than this. And there hath in later times been some struggling about it here in England. And some judges have inclined too far to your Chief Baron's opinion and thought that the Court Christian, after the administration once granted, had no more to do. Which, should it be true, the administrator may go away with all the estate, and leave the rest of the children, which sometimes are many, wholly to his mercy. Besides the Court Christian hath always practised the apportioning of goods ever without interruption." Howsoever, I thank you for your care in the business and for your relation of it to me. And when the Lord Deputy shall send to me about it, I will do all I can. Pray let him know that I have already acquainted his Majesty with it, and shall cause Sir Henry Martin to set me down the whole state of that business, how it last came off from Westminster Hall and what difficulty yet sticks upon it.

I would willingly have a note of the Christian names and surnames of all the judges in Ireland, and the King's counsel there. For usually, when there is occasion to write over to me, I am to seek what the Chief Baron's name is, which I would know, that I may not mistake another man for him, nor him for another.

I am glad to hear that you hope the difference between the Primate and the Provost is effected; the rather because the Lord Deputy writes he is out of all hope of any accommodation. But your letter bearing date some ten days after his puts me in hope again. At your return to Dublin I shall be glad to hear of the passing of the impropriations and the bishopric of Cloyne. *Signed.*

SIR WILLIAM BOSWELL [Ambassador at the Hague] to JOHN BRAMHALL, Bishop of Derry.

1637, April $\frac{N}{TS}$. Haghe.—I thank you for your favour to my kinsman. "In Germany hath happened no action of great moment now divers weeks past. The Swede and Imperial (with Saxon) armies lie near the one to the other not far from Targou [Torgau] in Saxe; and daily some great encounter is expected, the Imperialists being gathered to a far greater number than the other, yet the Swedes' fortune and courage hitherto succeeding well. But without seasonable supply from confederates and friends, probably they must faint under the

burthen; which befalling, our likely means and hopes of the Prince Elector's reestablishment will also fall. The Lord Forbes, Colonel Fleetwood and Colonel Stuart, all in service of the Swedes (as indeed his Majesty's subjects do especially uphold the dignity of that stage [? state]) passed here three d[ays] since into England for recruits, these three, I take it, being permitted to levy (besides other levies) above 3,000. Here we linger so much after an end of the wars, that all our motions towards the field (although the French goad us daily forward) are slow and uncertain. Besides, the misfortunes of the sea have been above these twelve months together so great and frequent as our thoughts are almost wholly bent for repairing ourselves in that watery way rather than by land to force ourselves any further. Yet something will be done for outward satisfaction of the French. But how far they (these states) will help the Lord Elector his preparations going on by sea in England is not yet apparent." Mr. Dury advises me from Stockholme that he has found extraordinary and most constant respects from the lords, bishops, professors of the university and chief clergymen in that kingdom, not only towards his person and the English Church, whereof he is a member, but also towards the cause he promotes, so that he hopes ere long to give me notice of some remarkable act on their part for that effect.

JOHN BRAMHALL, Bishop of Derry, to WILLIAM LAUD, Archbishop of Canterbury.

[1637, c. June.]—"According to your commands I have enclosed herein a list of the names and surnames of all our judges and the King's counsel. The ringleaders of our Nonconformists were all embarked for New England, but their faith not being answerable to their zeal they returned back and are now in Scotland. This Church will quickly purge herself of such peccant humours if there be not a supply from thence.

"It was concluded at the committee of fees to refer the question concerning the power of the ecclesiastical judge to apportion goods to my Lord Deputy. I did then represent it privately to his Lordship, but he hath quite forgotten it. Shortly the whole committee will make their report of it to his Lordship and then your Grace will hear presently of it. The meaning of what I writ concerning the accomodation of the difference between my Lord Primate and the Provost was this, to which both of them then consented, that my Lord Primate would disengage himself of the controversy for precedency and leave the parties interested to stand or fall; that the former passages between the Visitors and the college should be waived, and the Provost left free to take other and later exceptions against his refractory Fellows. Now I trust that business is settled to the Provost's contentment.

"I formerly writ unto your Grace how Sir Robert Kinge promised seven or eight appropriations to the Church so soon as they came to his hands, which since his father's death he hath performed.

"My Lord Deputy hath been pleased to give leave to Sir William Parsons and myself to treat of an agreement between my Lord Treasurer and the Bishop of Waterford. We have only entered upon it, so I know not what will be the issue, but hope I may shortly give your Grace an account of an acceptable conclusion and of some beginnings for raising the archbishopric of Dubline, a see anciently the best endowed by much of any in this kingdom but reduced to so low an ebb that the revenues are altogether insufficient either to maintain the state of an archbishop or to enable him to do his prince that service which otherwise he might by his nearness to the State here.

"I will not name either Cloine or the patent for the appropriations any more until some thing be done worthy of your Grace's ear, save only that my Lord D[eputy] doth reserve those which were held in the hands of precedent Deputies near Dublin for their provision.

"And now I humbly beseech your Grace to give me leave to reflect upon myself, since Mr. Raileton hath broken the ice, in a matter which until this morning I never imparted to my Lord Deputy or any friend I have, as hoping mine own innocency would protect me. I have been sued these four years in the Star Chamber, among many others, by one Bacon, for no fault of mine, unless it be that being a commissioner I did desire that the deponents might not be perjured through captious and leading interrogatories. No man was more frequent in those days in commissions and arbitraments than myself; no man ever more free from exception—and in this cause both parties were mere strangers to me—yet I hear Bacon hath proved by two witnesses some words against me, not so penal as unfit even at that time for a divine. But if I were to take the Sacrament upon my deathbed I would purge myself, how could I speak them, knowing nothing of the over much familiarity of Mr. Bacon and that witness as some others there did. If I had been in England Mr. Bacon could not have fastened any such aspersion upon me, but my employments here detained me from thence, so I had not a witness, etc.

"As it is I know the party that did speak them, one Mr. Duvill, a man of known integrity, will take them upon him self and free me with the party to whom they were spoken and two others, the one, Mr. Bacon's own clerk, the other, a commissioner. And thus much Mr. Shileto hath in part confessed to Mr. Raileton. All the favour I desire of your Grace and the court is that in respect of my absence and public employment here, so that I had no possible means to attend that there, nor had a witness produced, indeed little dreaming

that any should so far forget or perjure themselves, I may have an order that either these parties may be examined *viva voce* in the court or by the sworn officer before the hearing only upon this one point, who moved that [*illegible*] question and whether Thomlenson did then clear me. But I fear I am too tedious." *Draft or copy.*

WILLIAM LAUD, Archbishop of Canterbury, to JOHN BRAMHALL, Bishop of Derry.

1637, June 27. Lambeth.—Thank you for the list of judges in Ireland. "'Tis great pity the ringleaders of your Nonconformists fell short of New England; but 'twas an ill hap that they diverted to Scotland. For as I guess by your letters no tempest but their own drave them in thither and (God knows) they have too many there already. So that I heartily wish they were as able, and had as good means, to purge these humours, as (God be thanked) you in Ireland have."

You did very well to refer the question (at the committee of fees) concerning the apportioning of goods by the ecclesiastical judge to the Deputy. But I have conferred with Sir Henry Martin and sent you a copy of that which he set down, so that the Deputy may have this by him against the committee comes to him. It were not amiss that a copy were somewhere recorded to the use of that Church. I am glad to hear that the business between the Primate and the Provost is settled. Sir Ro[bert] King has done very nobly in restoring so many impropriations. God be your good speed in your treaty between the Lord Treasurer and the Bishop of Waterford. It is a pity the Archbishop of Dublyn's see has been so impoverished as to disenable him for service either to King or Church. It was never likely but that the Deputy would restore those impropriations which former Deputies had kept in their hands for their provisions. But I hope he will settle them so as another Deputy hereafter shall not take them away again. The managing of the Star Chamber is in my Lord Keeper, whom I advised Mr. Raylton to move. I shall not fail to second him, and when the cause comes to hearing I will do you all the right I shall be able. *Signed.*

WILLIAM LAUD, Archbishop of Canterbury, to JOHN BRAMHALL, Bishop of Derry.

1637, Aug. 22. Croydon.—"I am very glad to hear that the papers which Sir Henry Martin drew concerning the apportioning of intestates' goods came safe to your hands. And I think it will be good service to have it recorded there. But for whatsoever is personal, leave it out as it please your self. Yet let me tell you, the old man Sir Henry was so full of indignation at the manner of usage expressed in your Lordship's letters to me, that he had written this paper very sharply; and so you would have seen, had not I gone it over,

and dashed those passages out, which must needs have been offensive. And if you being nearer the business think fit to leave out any more, do it in God's name."

I think the agreement between Lord Cork and the Bishop of Waterford very happily ended to the great advancement of that see.

"Concerning the archbishopric of Dublyn I thank you for the paper, which you call your first fruits. And if you go on in that way, when you come to greater tenants, it must needs make a very fair improvement to that see also. The Church there never knew such a time; and therefore I pray, make your hay apace while the sun shines.

"If your Lordship come over at Michaelmas, 'tis a blustering time of the year, and God preserve you at sea. But if we get you safe on land, we shall by God's grace keep you safe enough from any rocks of the Star Chamber. And I shall be heartily glad to see you, that I may give you than[ks for] all your care and pains about that Church, and for your particular kindness and respects to me." *Signed.*

SIR WILLIAM BOSWELL to JOHN BRAMHALL, Bishop of Derry.

1637, $\frac{\text{Oct. 24}}{\text{Nov. 3}}$. Haghe.—You will perceive in part by the enclosed how the taking of Breda has opened the veins of preachers as well as poets in these parts. For the larger story of that siege I recommend this noble bearer, on whose behalf I entreat your favour.

WILLIAM LAUD, Archbishop of Canterbury, to JOHN BRAMHALL, Bishop of Derry, at Dublin.

1638, March 28. Lambeth.—"I have received your Lordship's letters of Feb. 23, and am very glad to read in them, that you follow my counsel for making hay whilst the sun shines. The truth is, I trust none of their devotions, but there is somewhat else in it, which cannot last always. And therefore you do marvellous well to take your time. My Lord Ronelah's [Ranelagh's] offer is very fair, and his present restitution great. I hope you will be able to perfect the one, as well as the other, while he is in that good mind.

"I am right glad to hear of the resolution of the Commissioners for Defective Titles. And I am most confident you will make passing good use of it. And whereas you write, that this secret is communicable only to me, I shall be so true to the business, as that I shall not communicate it to any man else upon any terms whatsoever.

"One thing you have not yet performed to me, which is, the sending me a perfect note of all particulars restored to the Church in whole, or in part, since my Lord Deputy's going thither, and their several values. I pray heartily defer it no longer, but let me have it as soon as possibly you can.

"I am very sorry to hear what you write concerning the proposition made to his Majesty about London-Derry. For I see by that which you have written, and that which is written to me by my Lord Deputy, that there may be a great deal of danger in the business, and that both of honour and profit to his Majesty, and of future plantations, if the English be so discouraged; and of the Church, if the King fill that kingdom with men so well set in religion and so conformable to good orders. My Lord, I have spoken freely to his Majesty what I think of the whole business and shall do the best service in it that possibly I can. And to that end I purpose to keep your Lordship's letter by me that I may be the better able to speak to any particular as occasion shall be farther offered me. And thus much with some little addition I have written to my Lord Deputy, and am too full of business to make repetition of it here. But I know my Lord will not conceal it from your Lordship nor do I desire he should.

"I have no occasion at all to lead on a letter to my Lord Cromwell; but am most willing to give him thanks for the release of that bargain which you mention will be so much worth to the Church. Therefore I pray, give him hearty thanks in my name. And yet, if you shall think, that that is not altogether sufficient, upon the least advertisement from you, I will find some leisure to write him a letter.

"Now Lent is ended, 'tis high time to give you thanks for my salmon and my eels, which this year proved very well. But the herrings (it seems) were shipped too late, for they are not come yet. And yet if they come before too much hot weather come in, they will be welcome, because I have had no good herrings all this year. My Lord, I am much beholding to you for all your kindness, and with thanks, I leave you to God's blessed protection." *Signed.*

WILLIAM LAUD, Archbishop of Canterbury, to JOHN BRAMHALL, Bishop of Derry, in Ireland.

1638, June 20. Lambeth.—Thank you for your care of the Provost. I had understood by the Deputy's letters that he was to be Bishop of Corke and Rosse. And because of the disunion of Cloyne from them, my Lord sent a minute of letters that so things might be drawn up without error. As for the Provost's keeping the college, at least for a time, I shall do the best I can here and then leave my Lord and the Provost to do what they please there.

I am glad you have so good evidences for Cloyne. My Lord thinks as you do, that Dean Sing [Synge] will be the fittest man for this business. I shall trust your judgment and so proceed for him. As for your accompt, I must desire you to make it as perfect as you can, and for my Lord's whole time. But I shall give you the leisure you desire.

"If you see your harvest as great as e'er it was, you must find some way to follow your work the closer. And now you see how their dispositions are which sit at the board, it must be your wisdom to make use of them as far as you can while the State stands as it does; and to prevent as much future hurt as you can, against the time shall come that the face of that State shall not look so favourably upon the Church, as now it does."

I am very sorry for the omission of bishops in the Committee for Plantation, but shall reserve it in the silence you desire. May it not be remedied in Ormond and Clare, though past in Connagh?

I shall be ready to do you any kindness in your son and your brother. But I fear (there being a very fair offer made to the King by the ancient tenants of that land which your brother has purchased) he may do himself wrong by standing too stiffly with the lords. *Signed.*

WILLIAM LAUD, Archbishop of Canterbury, to JOHN BRAMHALL, Bishop of Derry, in Ireland.

1638, July 17. Croiden.—On behalf of Lady Carye, who has voluntarily surrendered certain property in Ireland to the Church: that she may be compensated. *Signed.*

WILLIAM LAUD, Archbishop of Canterbury, to JOHN BRAMHALL, Bishop of Derry, in Ireland.

[? 1638,] Oct.—Your letters of Sept. 13 came to my hands about Oct. 9. I wish very well to Lady Carew's business so far as anything may be done (to take off her great importunity, and the Queen's for her) without prejudice to the King's or the Church's affairs. So far as I understand your Irish proceedings, I think you are fallen on a very good expedient, neither do I yet see any reason why it should stick in the execution. I have sent a letter for this business only to the Deputy. I am confident he will either do it, or give me some satisfying reason why it cannot be done.

I shall expect your account concerning the Church preferments when you can be ready. The sooner I have it, the better. Though Michaelmas term be begun, I hear not of your first part.

Thank you for your care concerning the endowments of the bishoprics in Ulster and the covenants with his Majesty against exorbitant leases. There was great necessity of that covenant when those bishoprics were first settled, but the Act of Parliament has put them into greater security than those covenants could. And considering how easily an ill-minded bishop and a courtier may conspire together and divide the profits and so undo succession, it is well thought on by you to make use of

the commission of grace without any such limitations. And though it be a little chargeable, your brethren shall be very much unadvised if they do not therein as you do. If any man stick at it, show him this clause of my letter.

"Your Lordship does very well to neglect envy and malice, which must and will accompany all men, which live in any place of eminence, and do their duty either to God or their King. And if you do not so, you shall neither do your duty, nor give yourself any content.

"The Duke's speech is no news here, though that honourable person hath a great deal of wrong in it, nothing being said or done by him to give any the least occasion to it. In summer last, the first copies which were known to be spread, it was my hap to light upon in Oxon. And I presently acquainted his Majesty and my Lord Duke with it: and for aught I yet know, [they] purpose to make the spreader of it the author too; unless he can and will produce another. And what you mean to do with it in Ireland I leave to my Lord Deputy's wisdom. But considering what store of Scotch you have in that kingdom, and how some of them stand affected (as you after express) methinks it should not be much amiss to make the spreaders of this libel (for better it is not) give an account at least, where they had it, that if it be possible it may be drawn to some head." *Signed. The Duke referred to is Lennox.*

WILLIAM LAUD, Archbishop of Canterbury, to JOHN BRAMHALL, Bishop of Derry, in Ireland.

1638, Nov. 19. Lambeth.—Recommending a petition from Sir David Coningham. *Signed.*

WILLIAM LAUD, Archbishop of Canterbury, to JOHN BRAMHALL, Bishop of Derry, in Ireland.

1638, Nov. 20. Lambeth.—"I thank you for your good news, that your diocese being in the middest of the Scotch plantations hath been all this while so quiet. I doubt it would hardly have continued so, if you had not cast out the young prophetess. For her marriage since, let it fall out as it may; but if her husband should chance to pervert her, what would the brethren say then?"

I am very sorry to hear what you write concerning the Bishop of Kilmore. If it be true, he has certainly brought himself in great danger of the law. But I will keep silence, as you desire, until I hear farther. And if it be his melancholy that has brought him to it, he had need pray against it as you do. I have written fairly to him about his leases. The letter is here enclosed, open, so you may read it and either burn or fasten and deliver it. *Signed.*

JOHN BRAMHALL, Bishop of Derry, to DAVID MICHAEL, at Glasgow or Edinburgh.

1638, Dec. 19.—"Although I be a stranger to you yet your known worth and the large testimony which sundry of my friends give of you make me ambitious of your acquaintance. Surely he wants the heart of a Christian that doth not condole with you for the miserable estate of that Church. We have nothing to contribute but our prayers. Those you have in abundance.

"There is yet no manner of certainty what is done at your Assembly. When the tumultuous Florentines had designed all their old magistrates for death, one having a better head and honester heart proposed that before they made them away they should choose new ones. But they found the new ones ten times more subject to exceptions than the old, and so spared them. I wish the same end to your troubles, and sure there want not seeds enough of quarrels and spirits apt enough to take fire if the coal were well kindled. If nothing else, their headstrong rashness expressed in your suspension might let them know what new Catos they are likely to have, and how probable it is they may come in a short time (if they have their own minds) to dig up Antigonus again.

"But as an ague brings often a better habitude of the body, and ill-grounded societies are never well settled till they have some such violent agitations, so my hope and desire is, which God Almighty grant for His son's sake, that the end of these tumults shall be permanent tranquillity. In my poor observations it always falls out so that God brings light out of darkness.

"Now, sir, to yourself, deny not the first request of a stranger, to send me over by the bearer all the books that are extant about this subject with you, and a perfect information of the present state of all things civil and ecclesiastical which may probably be expected, and this at large and more freely than our new begun acquaintance would require *aut consolando aut consilio aut re invero* (?). And what I now or hereafter shall write unto you in this kind, I crave the privilege of the seal of confession. Your nearest friends know nothing of it here, nor shall do. Taciturnity is as needful as fidelity. If you embrace this intercourse, which I propose, you shall have means to maintain you well there, whilst your stay may be serviceable to his Majesty and the Church, and after be assured of a contented settlement, whereupon you may live with comfort and credit. When I know your reciprocal acceptance, I shall be more particular and write to you in a cipher which may prevent the fear of interception. Enclose my letter in one to Sir Robert Seward."

Endorsed: "Mr. David Michaell. To him, by myself, concerning the Church of Scotland. De. the 19. 1638."

SIR JOHN BANKES [Attorney General for England] to JOHN BRAMHALL, Bishop of Londonderry.

1639, March 30. Grays Inn.—Great rents have been offered for the plantation in Londonderry, but the King, to continue that revenue annexed to the Crown, has appointed you and other commissioners to proceed according to such instructions as you shall receive. The corporations of Londonderry and Coleraine are in law dissolved, and all the lands in his Majesty's hands. There must be a re-establishment of the city and town with their liberties, and compositions with you for new grants. I have, with the other referees, heard your brother's business and in my own opinion acquit him of any indirect carriage in obtaining the grant, but the townsmen offered to pay him his money with damages, and desired the things granted might be revested in the Crown, and that they might continue the King's tenants. Lord Savadg, the Steward of the town, was earnest in it. The seigniory has more sound than profit in it, and, if your brother be not pleased to accept the offer, I shall for my part do him right, but my fellow referees have desired time to consider until next term.

ROBERT DAWSON, Bishop of Clonfert and Kilmacduagh, to WILLIAM LAUD, Archbishop of Canterbury.

1639, April 4. Dublin.—Begging his assistance in the recovery of lands of which his diocese has been robbed. *Copy.*

WILLIAM LAUD, Archbishop of Canterbury, to JOHN BRAMHALL, Bishop of Derry.

1639, May 22. Lambeth.—You tell me I shall hear from the Primate what he thinks fit to be done in the case of my Lord of Kilmore's synod. I have received a letter from him, since your last, but there was nothing in it concerning the matter. I am very sorry Kilmore so forgets himself towards you. But you do well by your forbearance. For otherwise, they which care for neither of you, would laugh at both.

The Bishop of Clonfert has sent me the copy of the petition presented to the Commissioners of Plantations, and a letter besides. They were delivered very seasonably, whilst Sir George Radcliffe was with me, who advised me to write to the Commissioners in the bishop's behalf, which advice I have followed.

"I thank you for the pains, which I see you have taken, in reading over my book.[1] But I much fear the great testimony you give it and me proceeds rather from your affection, than any merit of the thing.

"In my letters to the Commissioners concerning the Bishop of Clonfert I have forborne to mention any particular, save

(1) Presumably the second edition of the *Conference with Fisher*, which was published in February, 1639.

only *quarta episcopalis*, because of your direction, that it might not be known to come from you. And I shall not fail a second time at or near his parting to be earnest with Sir George Ratcliffe again, and to desire him particularly to speak with the two Lords Chief Justices." *Signed.*

SIR JOHN BANKES to JOHN BRAMHALL, Bishop of Londonderry.

1639, June 8. Grays Inn.—The other referees and myself have heard the business between your brother and the town of Congleton and have cleared your brother of any indirect carriage, but we have certified that the King received for the sale of the town and manor but 209*l.* Your brother paid the city for it 400*l.* odd, and the townsmen offer him 900*l.* and at their charge to revest it in the Crown, and to be content to take such leases as the King's officers shall think fit, and to continue the King's tenants. These seigniories of corporate towns are fitter for the King than any subject, and you will do well to advise your brother to accept of it, for the counsel of the town did except to the assurance in point of law.

JOHN PERKINS to JOHN BRAMHALL, Bishop of Derry.

1639, Aug. 15. Donganon.—"I having considered well of the business do find it so hazardable by reason of my long living in these parts, and that am so well known, both to the better sort and poorest, having lived in authority always amongst them, that no disguisement will serve my turn, and besides I conceive that certain imprisonment or death will be my reward if I be taken and discovered there. And then the loss of my Lord's money in so poor and hazardable employment makes me altogether unwilling for to undertake it.

"Yet this by the grace of God I will undertake, if your Lordship advise me to it. I will go like myself unto some places near the sea and seek out some malcontents, and if by insinuating into some of their favours as one of themselves discontented, I will venture amongst them, and stay as little time as I can, and observe as much as I may, and no limited time I can give myself. Your Lordship's advice and approbation I expect by this bearer."

Postscript.—"Something of my Lord Deputy's mind I would entreat your Lordship to touch in your letter."

WILLIAM LAUD, Archbishop of Canterbury, to JOHN BRAMHALL, Bishop of Derry, at Dublyn.

1639, Sept. 2. Croydon.—"Your letters of Aug. 7 came to my hands the 24th of the same month. And long before their coming, I heard of your heavy mischance by the breach of your

leg; but was still in hope that it was not true. Because in the interim I received two letters from my Lord Deputy; and neither of them made any mention of this sad accident. And now I am very glad to hear from yourself, that since it pleased God the accident did befall you, you are on so fair a way of recovery, which God bless to you.

"I am glad the bishopric of Kilmore is settled according to the purpose of that happy law, and within the time limited. And as for the bishop's reluctancy, *transeat cum cæteris*; so the see and succession have the benefit. Yet I profess I cannot wonder enough, why a man that otherwise understands himself so well, should be so much his own enemy and the Church's. And as for his diocesan synod, I shall say no more till you have had opportunity to speak with my Lord Primate. And if his Grace be pleased to write freely to me, I shall make such use of it, as is fit. But if anything be done upon it, how it can be kept from my Lord of Kilmore, or why it should, I know not.

"I am very glad the Bishop of Clonfert hath had so good success; and I hope he and his successors will now look to it.

"For the Bishop of Down's business, if Mr. Railton speaks to me about a letter for a licence of mortmain, I shall do all my best service to remove any stop. And shall be able (I hope) to satisfy the King, your Lordship having laid down the business so clearly to me.

"For the passage in your letter concerning the Scottish bishops, their case hath much both troubled and pitied me. And I should be very glad, would it please God to make me able, to do them any kindness. But as for their coming into Ireland, I have already written sufficiently to my Lord Deputy. And if his Majesty be pleased to hold his resolution, they will be provided for, without troubling Ireland. But whereas you wish their Assembly might settle them in their own country, I must tell you there was no hope of that from the beginning. Their rebellious humour had so exasperated the people against them.

"I will not deny to your Lordship, but that over and above the natural propension of that nation against episcopacy, proceeding certainly from their sacrilegious humour, there might be some other cause of exasperation by the carriage of some men. And I think there was; but yet I profess to you, I know none, save only some suits made at Court, and followed at the law for recovery of their own rights; which was judged by some of those lords too warm and eager prosecution. And I verily believe the hatred against them began there, out of an opinion, that one after another, they would have a fling at all. I must further tell you, that when I saw this beginning (and it was full two years at least before anything broke out) though I could not advise them altogether to neglect and forsake the Church's right; yet I did seriously and frequently both by letters and otherwise, as I had occasion to meet them, counsel

them to be very careful what they did, and how they demeaned themselves in that business. And particularly, that they should begin only with such things as had a clear title for them; and of these, but with few at once. And howsoever, that they should be very moderate in the prosecution, and temper themselves from all offence. But I doubt this counsel of mine was not followed so well as it ought to have been. And yet this I know, there was not a quarter of that offence given, that was taken.

"That which you add, is most true. That to live in the midst of Scotland, and not to discover the grounds of these tumults argues either extreme oscitancy, or too imperious a disposition to involve the State, etc.

"But it is true too that some of them did discover enough, and were most right in their judgments concerning a remedy. And if the advice which they gave, might have been followed in time, things had never come to the difficulty, in which they now are. But the poor men had the destiny which too often accompanies churchmen. In some things they could not be heard, and in other not believed, till all was too late.

"And yet I write not this to excuse the boisterousness of that nation, which it seems the taking of Holy Orders cannot mollify. And I easily believe the best of their countrymen would be glad enough to live under an English bishop. But the main is, that they prefer none but their own countrymen, which I shall in due time make use of for the securing of that Church to the uttermost of my power.

"As for the particular which you mention concerning my Lord of Rosse, you are utterly mistaken. For I assure you upon certain knowledge, he was never any suitor at all for the bishopric of Elphin. And whatsoever was done in that kind, was by the King himself out of the care and respect which he had to the person and worth of the man. But now that place is settled upon Dr. Tilson, to whom it was first granted. And as for my Lord of Rosse I dare say thus much, if any churchman of that nation deserve well of the King, and withal be free from exception (as I persuade myself most of them are) he is the man.

"As for the contribution which you think you are able to raise, how it will stand with the honour of the King, to have that course taken, I do not know. But you shall hear more from me, as I shall find what their want of supply is, and what course the King will take to furnish them." *Signed.*

WILLIAM LAUD, Archbishop of Canterbury, to JOHN BRAMHALL, Bishop of Derry.

1639-40, Jan. 18. Lambeth.—"I gave you in my last all the information I could concerning Garvye's patent. And I now think the middle wa[y] which you propose is the best that can be taken in a case of that nature. So God speed you!

" In the Bishop of Killallah's case I saw all the testi[monies] of the witnesses, which you sent hither to my Lord Dep[uty, and] upon view of them I caused a short brief to be [made] of all the points that were proved against the bish[op] and delivered it to my Lord to be sent to you. This is a go[od] while since; for I detained not the papers in my hands three days. This I thought fit to certify you, because you mention no such thing in your letters, as received by you. But the matter is the less, since you conceive the proofs against the bishop come home, and that the witnesses which he excepts against will be otherwise supplied; though every exception against witnesses cannot take off their testimony. For the business itself, 'tis true as you write, the deprivation of a bishop is a matter of great and weighty consideration. But yet, if such a covenanting crime be proved against him, God forbid but the sourest (sowrest) example should be made of him. And what to say more I know not; saving that I am confident you will be careful there shall be a just and a grave proceeding.

" Concerning the impropriation I have spoken with one of the commissioners since my last letters to your Lordship, and he gave me [a] very fair answer. But since that, I have not seen him, and an unhappy thing it is, to have anything which concern[s] the Church involved with those things which concern the Cr[own]. But in this and in the business of your see I will speak with [my Lord] Deputy, and then not be wanting to either in anyth[ing he] shall think fit for me to do.

" I am glad that my Lord of Kilmore and you are come to [be] upon so good terms; for certainly the man is an honest m[an] and a good scholar. And I would be very glad this broken business were at an end. As for the *præmunir*[*e*], let it pass. But what I writ about it in the throng of my businesses, I cannot now recall. Howsoever I thank you for your care of what I write unto you. And it is not my Lord's least good fortune that that business is not so much as questioned.

" This in answer to your letter. But now I must tell you farther that just as I was going to write these letters to you I received a letter from the Bishop of Killallah by his son, in which he denies all. But denial will not serve against proof. His son would very fain have had me hear counsel for his father. But I told him that could not be done, both because I had nothing to do to hear anything that was upon a legal way of trial in Ireland, and because there could be no justice in it for me to hear counsel for his father when there was nobody to speak on the other side for the King. And I added that if his father was innocent, as both the letter and he pretended, he would have no cause to fear the proceedings in Ireland. To which I left him. And since that have heard nothing of him. So to God's bl[essed] protection I leave you." *Signed. Slightly torn.*

JAMES USSHER, Archbishop of Armagh, to JOHN BRAMHALL, Bishop of Derry.

1639[-40], Feb. ult. Drogheda.—"I send you herewith the summons for the Convocation, and thank your Lordship for the directions given concerning it, and those other intelligences you are pleased to impart unto me. I am fully of your mind for procuring an ἀμνηστία in the Bishop of Kilmore's business, but cannot so easily assent unto you that the book you sent me (for which I most heartily thank you) was ever written by Mr. Corbett[1], and I pray you speak truth: was not the hand of Joab in all this? You have heard, I suppose, of the death of Sir Henry Wotton: but not, peradventure, of the epitaph which he would have placed over him. '*Hic jacet author hujus sententiae. Pruritus disputandi est scabies Ecclesiae.*'[2] *Sed de his et similibus, coràm.*"

[JOHN BRAMHALL, Bishop of Derry, to CHRISTOPHER WANDESFORD, Lord Deputy of Ireland.]

1640, April 16. Omey.—"I praise God I am thus far on my journey well. Sir George Radcliffe hath an account of the two commands for Derry and Coleraine.

"All places and all sorts of men here are full of discontents and complaints; the landlords complain that their lands lie waste, and not without great cause; great proportions every where are untenanted and that amongst other things helps to bring down the rent of what is tenanted. The reasons were first the death of cattle, then the Scotch troubles and now a trick which the Irish have gotten, if it be not very speedily prevented, likely to be worse than both the other. As one circle in the water begets another, so one waste land begets another. The Irish are loath to pay money where they can get grass by stealth or to pay a valuable rent where they can compound for waste land and take that for 3*l.* which usually did yield 20*l.* This they that have farms see, and so no sooner envy than imitate, knowing that what land they leave now shall be set as waste land shortly after. And to help this they have a custom of fealty or welcomes. That is, when any man leaves his farm they that have one entertain him and his family and his cattle for a fortnight gratis upon trial, so as the natives in these parts all most generally are turning, flitting tartarians

(1) John Corbet (1603-1641), who was deposed from his ministry in Scotland in 1639 and went to Ireland, where he was befriended by Bramhall, was the author of two anti-presbyterian works: (1) *The Ungirding of the Scottish Armour or an Answer to the Informations for Defensive Armes against the King's Majestie which was drawn up at Edinburg by the common help and industrie of the three Tables of the rigid Covenanters* (1639); (2) *The Epistle Congratulatorie of Lysimachus Nicanor of the Societie of Jesu to the Covenanters in Scotland, wherein is paralleled our Sweet Harmony and Correspondence in Doctrine and Practice* (1640).

(2) As printed in *Reliquiae Wottonianae* the epitaph which Sir Henry Wotton composed for himself runs: *Hic jacet hujus Sententiae primus Author. Disputandi Pruritus, Ecclesiarum Scabies. Nomen aliàs quaere.*

responsible to no law of God or man. If this be not prevented timely, the fruits of it will be most pernicious. The only remedy I know for the present is by Act of State and proclamation to inhibit this setting of land to graze, both to the landlords and tenants, and likewise these fealties to the Irish or welcomes upon trial. That no man be permitted to set land for a less term than a whole year nor to take any man's cattle to graze who hath not a certain habitation elsewhere. If this be done in time I dare almost promise with confidence that of four townlands which now lie waste three shall presently be planted. My reason is very demonstrative: that notwithstanding these huge proportions of waste land, yet the grass is eaten up almost everywhere either by stealth or composition for grazing. The middle sort of people complain extremely of tracks, a course detested generally by the planters, beneficial to none but the judges, clerks and other officers. There will be at one assizes eighty causes for tracks and the fees of every one is 17*s.* 6*d.* or thereabouts besides the charge of the parties and the moneys recovered; what may this come to in a circuit? It is a course which opens a door to manifest perjury, subjects the good subject to the malice of trackers, a company of most arrant knaves. It preserves the thief from hanging and prosecution; who had not rather have his money from an able subject than see the deserved punishment of a thief? It is against the rule of justice; what law of God or man did ever tie one to watch other men's cattle by night? It gives the trackers liberty to prey upon the good subject. In a word it is a strong conclusion grounded upon weak premises, an evidence without any assurance. They complain also of the heavy burden of country sesses and impositions, which by the applotters and the rapine of the collectors and other ministers in the execution are commonly made double and by the weakness of receivers and the neglect of just accounts. The remedy for these is to take away the Act of State for tracks, there being now a petition against it from all the best in Ulster, and to punish one or two of those who make a prey of the country; to stay the building of houses of correction in these parts till the subsidies be paid; to let that money and what else is redundant of the last subsidies go towards the payment of these; to forbid even good works, as building of bridges, except in places of great use during these necessitous times.

"Lastly the poor Irish complain grievously of the execution of the penal laws upon them for chimneys and trouses and especially ploughing by the tail. And at this time their grief is renewed because of the death of their cattle upon the mountains, which, say they, was because they could not plough and by consequence they wanted straw and their cattle were famished, very many cattle being of late dead in the mountains and all extreme poor in the valleys. Truly, sir, you would admire to see what a world of informations there be in this

kind at every assizes and at some sessions, yea, bailiffs made sometimes grand jurors that they may present more freely. And no man knows his accuser but must perpetually traverse and almost as perpetually is acquitted upon payment of fees. Let the Clerk of the Crown's books be perused and the Clerk's of the Peace, this will be found undeniable true. The only pretext is profit to his Majesty. Trust me it will appear otherwise and that that very very little which is, is not considerable. With the 500th part of the prejudice which it brings to the subject. No man demands a reformation of these barbarous customs more than myself, but the times are not now for the sudden or violent reformation of it. If you please to stay the execution of all those penal laws for a time unlimited or to suspend them for a certain time till they may be taken into further consideration it will be a most acceptable deed to the natives and render you beloved." *Draft. Endorsed:* "To my Lord Deputy from Lord Primate Bramhall."

JAMES USSHER, Archbishop of Armagh, to JOHN BRAMHALL, Bishop of Derry.

1640, May 7. Dublin.—Thank you for your pains taken with Mr. Echline, wherein I will stand to the conclusion you have made. Doctor Lake has deserved well of us both in drawing up the Act for our subsidies (which I carry over, apart from the rest, under the Great Seal of this kingdom, and intend to present to his Majesty in the name of the whole clergy) and taking exceptions against the new draft of the Act for fees. I will interpose whatever my strength can contribute to the furtherance of his cause. The first payment of our new subsidies is appointed for Oct. 1 next, by which time the new intended tax may easily be finished throughout the kingdom. As I am willing that the firstfruits of the archbishopric of Armagh shall be raised from 4 to pounds, so I lay the care upon you to see that it be not increased higher. By his Majesty's appointment, the Primate has his place assigned him next the Lord Lieutenant or Deputy and before the Lord Chancellor. . . . *Torn.*

FRANCIS, LORD COTTINGTON, to JOHN BRAMHALL, Bishop of Derry.

1640, July 3.—Requesting him not to press his claim to the salmon pools on the River Roe, which Dudley Philipps, esquire, rents from the King for 20*l. per ann.*; because, if he do so, the rent is like to be unpaid. He need not doubt the King's justice.

JAMES USSHER, Archbishop of Armagh, to JOHN BRAMHALL, Bishop of Derry.

1640, July 29.—"I received two letters from you since my coming into England: in the former whereof you acquainted

me with Mr. Matthewes's intention to conform; in the latter with his performance, and the solemnity used in his reception, which did not only rejoice me but gladded also the hearts of those many, in both the universities, unto whom I made relation thereof. Your part only now remaineth; so to use the power which you have with my Lord [L]ieutenant, that with the first he may in such sort be provided for, as he [m]ay not need, in respect of a liberal maintenance, to be beholding unto those whom upon [bo]th just and weighty grounds he hath been forced to relinquish.

"But as for the next part of your news, wherewith you temper this;

—animus meminisse horret, luctuque refugit:

and I can say no more of it than what you have said before me. *Fiat justitia, ruit cœlum.*

"I made a sufficient apology for you unto my Lord's Grace of Canterb[ury,] and very glad he showed himself to be, that he was spared at such a time, as I myself can witness he stood overwhelmed with an extraordinary multitude of most important businesses. I dealt also for Mr. Vaughan's suit, more than once, with my Lord Treasurer (unto whom it was referred) before I received your letter, in which, although I cannot promise unto you or myself any great good success, yet I can assure you there was in me nothing wanting which might be expected from a serious solicitor.

"I left all your friends in Cambridge well, where I was most kindly used by the [Vice-]Chancellor, Doctor Cosens, and welcomed with a public oration in St. Mary's, at the [? comm]encement, by the orator of the University. There I preached, in your college, . . . fast-day, the 8th of this present July. There also I received from London the first [? copy] that publicly came abroad of the new canons, which I sent unto you by Thomas . . . , known by the name of my footman. Since my coming hither I received these [? qua]eres concerning the oath therein prescribed, which here I send you enclosed [bef]ore I have read them. I see great trouble is like to arise from hence: which, God knoweth, this time had little need of. But the events of all these things Θεοῦ ἐν γούνασι κεῖται." *Torn.*

[Christopher] Wandesforde [Lord Deputy of Ireland] to [? John Bramhall, Bishop of Derry].

1640, Sept. 4.—Desiring him to assist Sir Charles Coote and Mr. Arthur Hill in examining certain persons accused of bewitching the Duchess of Buckingham; to which purpose he has been added to the commission of the peace for county Antrim. *Torn.*

JOHN BRAMHALL, Bishop of Derry, to [WILLIAM LAUD, Archbishop of Canterbury].

1640, Nov. 4.—I purposed to observe silence till these troubles were in some measure blown over, had not the resolution of some of the House of Commons to send their agents into England to complain either to his Majesty or to Parliament altered me. I meddle no further than the Church is concerned. The House of Commons (in the House of Lords we do well enough) have exhibited to the Lord Deputy 44 grievances against the Church, or rather against some churchmen, for none of them are general. In many of them very few, in some none at all, are concerned; and for the ground of all these the only instance given as yet is Mr. Lowther, an ancient Oxford man, honest and learned, for two or three mortuaries confessed by himself and moderately taken in many years, for which he is able to produce good records and pleads a strong prescription. But this is his unhappiness: the lord takes the same under the name of an heriot, and it is no grievance; the appropriator in many places takes an half or two thirds of it, and it is no grievance; the poor vicar takes it, nay in many places but a third or a fourth part of it, and it is a grievance. This remonstrance was offered at the close of the last session to the Lord Deputy, who gave me advertisement and stayed the discussion of the particulars till my return to Dublin. Upon view of it, my answer was that some of these pretended grievances were grounded upon law and the practice of the Church, others contrary to the canons of the Church or statutes of this realm, and for these it behoved them to name the offenders that they might be punished, wherein we were ready to concur with them; that there were others which in truth were grievous in themselves yet such as the incumbents challenged a right in by prescription and custom; that on the other side there were other customs as prejudicial to the Church—let both be taken away or both moderated or both heard, which in justice could not be denied; that it was not well to fasten that upon the Church wherein some few churchmen only were interested; that we readily submit all things to his Majesty or his Deputy here, provided that there might be a livelihood for them that serve at God's altar. I send you the remonstrance itself with the grievances and some brief animadversions upon each, as also the Lord Deputy's answer which is so just and reasonable that some may murmur at it but cannot contradict it. I beseech you to return him thanks for his favour to the Church.

"The other business concerns the High Commission, which I have ever expected. How could it be otherwise, it being the present scourge of the Puritan and the future fear of the Papist? It is not yet come so far as a direct complaint. They have sent for Mr. Stanhoppe, the register of our court, to bring in a list of all fees, the commission itself and a catalogue of all fines. He came to me. My answer was that for the fees of the

court I thought he was bound to do it; the commission was his Majesty's, so were the fines; that I would represent it to my Lord Deputy and return an answer; that the fines were all to be found in the Exchequer, the commission in the Rolls, if any man desired to see the one or the other. This answer he gave the first day of his appearance and it was not excepted against unless as short of what was desired. The next day of his appearance he pleaded a privilege as domestic servant to my Lord Lieutenant. In his plea he was supposed to have used too high a gesture, and these words: that he believed he had supererogated and desired them not to impose a greater burthen upon him than he was able to undergo. It was said that the former word was superarrogant and the latter did imply that that House did impose unequal burthens upon men: so he is voted to have offended against that House both in the matter and in the manner, and doubtless they intend to punish him. Yet it is supposed it is not him they aim at. The worst is that my Lord Lieutenant is now engaged in the cause for his privilege. How I know not, but I wish it were not so. For I believe they will have much ado to find any exorbitancy in the fees, we have been so extraordinarily careful in the taxing of them, and for injustice no man doth yet presume to charge that court with any. The chief surmise is that the fines are not truly estreated. The error springs merely from the not understanding the difference between the fines as they are at first imposed and as they are after reduced, to clear which we intend before the next sitting of the House to prefer a petition to my Lord Deputy and Council with a list of all offenders and offences there questioned, the fines as they were imposed and reduced and estreated with a sum of all the remarkable acts of that court in any kind since the last erection thereof here. Against which we know well no man shall be able to object anything either in point of justice or integrity. This (if the register have done it now) I shall humbly offer with the rest to your Grace, or otherwise speedily after them.

"Your Grace hath heard how Doctor Lakes was brought upon his knee for the Church at the bar. His crime was saying at a committee, 'It is not so, it is not so.'

"I have only one thing to add concerning the general tax granted by the clergy in the last session. To do it by commission according to the statute is to be sworn to make the tax after the uttermost value. This were to ruin the Church. But if his Majesty be pleased to dispense with the rigour of the statute and appoint commissioners in a discretionary way, though the burthen be great yet rather than there should be any fail, I will assume upon me to see the whole tax perfected throughout the kingdom, and that before Easter next, to his Majesty's very great advantage in his twentieth parts, first fruits and as well in the eight subsidies granted the last Parliament as in the six granted this Parliament, yet without the discontent of any

clergyman as I hope. As it is, the roll of the tax is infinitely defective. I have sent over the draft of a letter to the Lord Lieutenant about it. I beseech God to preserve your Grace from all those that wish ill to the Church and send you health and happiness for the public good of these churches and kingdoms."

Postscript.—"I dare not adventure to propose the causes of these distempers." ? *Draft.*

JOHN BRAMHALL, Bishop of Derry, to his Wife.

[? 1641.]—I heard great reports to terrify me from coming to London for fear of the Parliament, but find no such thing as yet but many friends in the House. The Earl of Kildare's agents arrested me at Chester and threatened me at London. I have filed a bill against them in Chancery, which I doubt not will end the matter. This has much hindered me from prosecuting the cause for supply to Londonderry. *Torn.*

[RICHARD BOYLE, second] EARL OF CORK to JOHN BRAMHALL, Bishop of Derry.

[*Probably between* Sept., 1643, *and* July, 1644.]—"I have this day waited upon my Lord Newcastle, who has promised to be careful of my interests in Yorkshire and assures me whatsoever your Lordship shall move concerning me shall be effected, so as I must beg your pardon for this trouble, and your favour in assisting my servant Thorneton when he shall wait upon you, which he shall have command to do, when there is occasion."

JAMES USSHER, Archbishop of Armagh, to [JOHN BRAMHALL, Bishop of Derry].

1644, March 27. Oxford.—"I have received at length your book from Sir George Radcliffe; toge[ther] with your sermon preached before the beginning of this great northern expedition[1], upon the good success whereof the settlement of the whole kingdom now dependeth. I cannot sufficiently commend your dexterity in clearing of those points which ha[ve] not been so satisfactorily handled by those who have taken pains in the same argument before you: and I profess I have profited more thereby than by any of the books which I have read before touching that subject. What we may hope for the settlement of Ireland, I cannot yet certify: my Lord of Muskrye [Muskerry] and the [? rest] of the agents of that side being but newly come hither, who yet (I suppose) will finish th[e] business before my Lord Lowther and the other agents sent from the State will come hither (so slow are our men in the prosecution of that

(1) *A sermon on* 2 *Sam.* x, 12, *before the Marquis of Newcastle, being ready to meet the Scotch Army;* Jan. 28, 164$\frac{3}{4}$. Printed at York.

wherein they and we are so highly concerned). The King intendeth (as I do hear) to appoint certain commissioners for the hearing of that business, an[d] then we shall understand what their demands will be, which as yet are kept secret.

"I have spoken with Sir John Winter, who telleth me that he cannot furnish me w[ith] more than 60*l.* and that at Bristowe, where I may be as uncertain of the retur[n] thereof hither, as I am from the place wherein now it is. And therefore have I written on[ce] more unto Mr. Sharpe, to see it delivered unto Colonel (Coronell) Fretswell [Frescheville] (who resorteth, as I hear, usu[ally] unto York), resolving rather to put it once unto the hazard than to be kept I [know] not how long in a continual suspense. What the conclusion of the Irish agency [will] come unto, you shall hear either from Sir George Radcliffe or myself." *Torn.*

JAMES BUTLER, first MARQUESS OF ORMONDE, to JOHN BRAMHALL, Bishop of Derry, in Holland.

1648, Aug. 21. Caen.—"I have several times found so kind mention of me in your letters to Mr. O'Neill that I must account myself very blameworthy in that I am now to make my excuse for omitting returns to them in this way, but that shall be supplied by all the offices of faithful and affectionate friendship that shall lie in my way to do you. I am now at length despatched from St. Germaines and do hope before you receive this to be under sail towards the place where my part is designed me. I should have held my business there in a good measure done if the temper of that place had been such as that I durst have invited your Lordship to my assistance, as I should have done however it is but that I had such experience of their injustice to you as made me fear what ever they would deem my fault would be imputed to you, but if there be such a settlement as may put that past fear, you will thereupon speedily receive a very hearty invitation from and welcome to your Lordship's affectionate humble servant."

Postscript.—"I have written to Mr. Colliwer to venture corn to the safest ports in Ireland. I beseech you forward the doing it where you are or have power to persuade."

THE MARQUESS OF ORMONDE to [? JOHN BRAMHALL, Bishop of Derry].

1651[-2], Feb. 4. Paris.—"It is very true that ever since your Lordship left me at Lymerick the workings you then saw against me by the clergy was continued till at length they broke forth in such open frantic actions as rendered it impossible for me to be further useful to the King or my friends there, yet that a resistance might be kept up there or the people otherwise preserved I called an assembly where I again made offers of doing what in me lay to serve the nation, and offered

to them to depute his Majesty's authority with my Lord of Clanricard so they would secure him and it against any further affronts. Before this could be completely accorded, I was forced to embark, yet before I put [to] sea there wanted little of giving me full satisfaction and that I doubt not hath satisfied my Lord of Clanricarde. Something of this I writ in my last to your Lordship, apprehending you might meet with interruption for want of knowledge of it. I desire your Lordship to convey the enclosed to my Lord of Norwich, who hath given such evidence of his faithfulness and gallantry that no censure shall withold me from corresponding with him as far as he shall allow me. I rest fully assured in my Lord of Newcastle's justice and favour to me, and should though he appeared unsatisfied in the business of Ireland, the means by which it hath been lost being incredible to any that are not informed in it. I shall not fail by Mr. Seymour to write to his Majesty touching what your Lordship mentions in yours of 25 of the last month. Not that Mr. Seymour purposes to go for Scotland, but I suppose he will be charged with despatches of importance to get sent thither. I must desire an explanation of your Lordship's postscript before I can answer to it, what letters you mean, what parties and what instructions." *Undirected.*

The MARQUESS OF ORMONDE to [? JOHN BRAMHALL, Bishop of Derry].

1655, Dec. 7. Cullen [Cologne].—" I have received yours of the 30 of the last month with the enclosed papers which I have put into hands that better understand them and the use to make of them than I do. When things shall be ripe you will be called upon.

" I desire you would let Mr. Rice know that I take his offer concerning his son very kindly and that whenever it shall be in my power to take about [me] persons of that condition and to keep them, he shall be the first, but it is more than I am now able to do to keep a *valet de chambre* and a footman. I have reasons of alliance that would incline me to serve his family as far as I am able.

" I presume all the letters of this day from hence will be full of the discovery of Captain Maning's treason by a long and pernicious correspondence with the rebels found by his intercepted letters and not denied by himself, though he seem to extenuate his fault by saying he was necessitated to it by want, and that he gave them no intelligence that was true or of importance, but his letters convince [convict] him of falsehood in his excuses as well as of horrible treachery in his crime. What the King shall be able to do upon him depends upon the civility of the magistrate, by which he is yet under strict guard. He is doubtless one of the greatest villains I ever met with.

" It will not be amiss to be prepared for the business of our prise, though it appear not yet how reasonably we may expect

favour in Flanders, but sure it will not be long but we shall see what we are to hope for."

Postscript.—" There is no manner of ground for the fancy of my going into Spain. I hope to have business nearer home." *Undirected.*

The MARQUESS OF ORMONDE to [JOHN BRAMHALL,] Bishop of Derry.(1)

[16]55[-6], Jan. 29. Antwerp.—" I received yours of the 25 late last night and have only had time to read the enclosed. I doubt not but upon this alteration something ought to be done, but in what manner and by what instruments I have not had time enough to consider nor dare venture to advise of myself at this distance. The author of the treatise(2) calls himself Spencer a Jesuit, that for three Sundays together has brought your book with him into the pulpit and confused you as he pleased. He preaches to the English nuns and many of both religions come to hear him. He has studied as they say at Oxford, but in my little observation of him has the common ill luck of most of the Roman proselytes to have left his ingenuity and reason behind him and taken up in their place a violent and impotent spirit. Mr. O'Neill parts not with me till we see you."

The MARQUESS OF ORMONDE to [? JOHN BRAMHALL, Bishop of Derry].

1657, May 17. Antwerp.—" I have seen a letter of yours to Doctor Morley wherein you desire him to recollect himself touching what passed from him to me as we rid in a waggon together in the time of my last voyage into Holland, concerning the power of kings and the necessity incumbent upon all their subjects to execute all their commands just or unjust, which desire of your Lordship implies that the doctor hath been charged with declaring that opinion to be his and that in a discourse directed to me. I well remember the time and discourse pointed at and the company that rid with us in the waggon from Breda to Ginnenberg, which was I am confident the only time that ever the doctor and I were in a waggon together, and I cannot but wonder that there should be found in that company anybody so ignorant as so grossly to mistake or so malicious as so falsely to pervert the sense of what the doctor said upon that subject. For upon my honour and credit, he might as truly have been charged with justifying the murder of our last King and Cromwell's aspiring to the Crown

(1) Written " Berry."

(2) Probably *Scripture Mistaken the Ground of Protestants and Common Plea of all new Reformers against the ancient Catholic Religion of England*, by John Spencer (1601-1671), published at Antwerp in 1655. The book by Bramhall referred to is perhaps *A Just Vindication of the Church of England from the Unjust Aspersion of Criminal Schism*, published in London in 1654.

as he could be with maintaining that subjects are obliged to execute all the commands of their king, just or unjust, from any words that then or at any other time I ever heard him speak. If he had been accused of too much caution and of allowing too much liberty to a subject to examine and satisfy himself in the justice of his king's command before he did execute it, there would have been more colour, more loyalty and less malice in that accusation than in this from what he said at that time.

" This testimony is what I owe to truth rather than to the doctor, from whom so unreasonable a discourse can no more be believed to proceed (by such as understand anything of the argument and that know him) than that he had picked all our pockets."

Postscript.—" Your Lordship has liberty to show this letter or to send copies of it to whom you think fit." *Undirected.*

This letter clearly refers to George Morley, afterwards Bishop successively of Worcester and of Winchester.

[JOHN BRAMHALL, Bishop of Derry,] to [NICHOLAS] BERNARD, Dean [of Ardagh].

1657-8, March 1–11.—" Yours of Jan. $\frac{10,\ 1657}{20,\ 1658}$ came very lately to my hands by reason of my absence in Brabant upon some occasions of my own, where I was detained much longer than I expected by plundering soldiers upon land, who rendered the passage that way unsecure, and the huge quantities of ice in the rivers, which made them impassable. Now at my return, which was not before Friday last March the 8 *stylo loci*, I found seventeen sheets of my answer to Mr. Hobbes[1] printed, which I have since corrected and sent him now the chief *errata*. I hope all the rest is printed before this and entreat you to hasten him to send them to me that I may return the *errata* therein by the first post, which I shall not fail to do, and then the book may be published after so long delay. With them also I received also [*sic*] Mr. Serjeant's [John Sergeant] reply to Doctor Hammond and me, called *Schisme Dispatched*, which I purpose, God willing, to fall in hand with to-morrow and despatch our despatcher with as much speed as I can. The chief impediment will be the want of some books, which I must make a shift to borrow or procure as well as I can. In your next do me the favour to let me know as you can learn what this Serjeant is, and particularly whether he be one of our apostates. In the next place I thank you and my other friends there for your favour to my son in Ireland, which I hope you have put into act before this time and sent him the letter intimated formerly, or if not, I am confident you will send it speedily, the circumstances and opportunity I must refer to you who are upon the place. When it is done I desire you to give me notice. There

(1) *Castigations of Mr. Hobbes his last Animadversions in the case concerning Liberty and Universal Necessity.* London, 1657-8.

is no act wherein you can oblige me so much as in this, which I shall bear *grato pectore.*

" As for your other proposition, I receive it as a token of your love, and I have many reasons in myself to desire it, the peculiar sweetness which an honest man finds in his native country, the comfortable society of my wife and children, to whom I have been a stranger so long, and desire that when God calleth me they may close up mine eyes, the settlement of accounts both with my creditors and debtors, which without me cannot be done so well, a certain livelihood without fear of want or being beholding to foreigners, and lastly I conceive that I might be capable of serving my country in some things which I have gathered by my observation to a considerable degree without meddling with either government or governors or any difference whatsoever.

" But there are other things which do as much deter me. I owe some debts, as you partly know, not many nor any of them of long continuance, but contracted just in the beginning of these troubles. Unless I may be protected for some small time until I settle them, I dare not adventure to thrust myself into a prison. Secondly, though I be as well principled as any man for passive obedience and had rather die innocent than live nocent, yet I have a conscience which I dare not wilfully act against but endeavour to keep it void of offence towards God and towards man, and if any acts which I could not do or any oaths which I could not take should be put upon me, I must suffer. Thirdly, I was bred in the communion of the Church of England and in that communion I resolve to die, and consequently cannot live where I cannot exercise my conscience either publicly or privately. This I have no assurance of.

" There are yet other reasons, as fear of affronts, etc. Whatsoever in such a case I should promise, I would religiously perform, and therefore no man can blame me to be tender in promising. The end is sweet. But sweetness is no sweetness if it cannot be enjoyed without the wilful forfeiture of conscience and without the loss of that end to which all other ends ought to be subservient. But if those peaceable reconciliatory propositions which I sometime made, and had reason to believe that they were well grounded, might have been listened unto, you should have seen me flown over regardless of my own particular danger. Trust me, it is not any personal encouragement which I have found or do find that swayeth my thought, but duty, and this hath occasioned a desire in me to have retired myself, wife and children (I mean the younger) either to Nemeuger or to Utrecht and to live their poorly, abandoning all our hopes in this world and for the preservation of a good conscience. You see how clearly I deal with you. When you have perused this and considered of my reasons, let me have your advice as freely. So God Almighty bless us." *Copy.*

SIR EDWARD HYDE to JOHN BRAMHALL, Bishop of Derry, at Utrecht.

[? 1658-9, Jan. 1.] "Bruxells, this New Year's Day. I wish it happy to your Lordship."—"I have two or three witnesses who have credit with you, that will assure you that within four days after I received your excellent book, of *Schism Guarded*,[1] which in that time I read over, I began a letter to you, intending therein to entreat your Lordship to enlarge some sections in another edition, and I was so full myself that I cannot yet say I have half done my letter, though upon my credit I have written seven sheets of paper, and therefore I think I shall rather show it to you when we meet, than venture to send it; and I make haste to send this to you before I receive another book, which Dr. Earles tells me you have designed to me, that I may first give you my humble thanks for the former, which is an excellent piece and hath entered upon the most important point which can give peace to the Christian Church, and which I hope shall have a large addition hereafter from you. I hope if you have no inclination to come into these parts, we shall have leave to come shortly where you are, which would be a much pleasanter and wholesomer climate for us."

WILLIAM SAN(D)CROFT to JOHN BRAMHALL, Bishop of Derry.[2]

1660, Oct. 9. London.—"Your Grace's translation from the see of Derry to the primacy of Ireland is looked upon by all as a just retribution long since due to your labours; that so your Grace, having for many years been really the universal father of that Church in your care of it and provision for it, might in fine be so too in the title and dignity and sit down at length in that chair which was by your care and prudence not only gilt and enriched but advanced too to a more advantageous post than formerly, and placed, where it ought, next the throne itself. May your Grace enjoy many happy years there, and that and the whole Church of God the fruit of your excellent labours and high example! And were the next person above you but as much to your own wish as you once knew one in that place, what progress might we not promise ourselves in the speedy settlement and reflourishing of that Church? Amidst designs so high and noble and so much importing the good of Christendom, that your Grace is pleased to consider me and my poor condition is a stoop which none but a goodness like yours would make, and a vastness of mind which by taking care at once both of the greatest and meanest affairs emulates

(1) *Schism Guarded and Beaten back upon the Right Owners*, published at the Hague in 1658. This is the reply to Sergeant referred to in Bramhall's letter to Dean Bernard of March 1–11, 1657-8. See above, p. 96.

(2) Bramhall was nominated to the archbishopric of Armagh in August, 1660, but not formally appointed until January, 1661.

in a degree that infinite Providence which not only rolls the heavens and makes the sun to rise, but clothes the grass of the field too and paints the butterflies' wings. Your Grace's letters in my behalf, though they have not advanced me to the place you designed me (there being one Dr. Chamberlaine, Fellow of Trinity College and prebend of Windsor, settled in that family), yet have they given me a title to my Lord High Steward's favour, who told me that if I could find anything else wherein he might serve me (his own word) he would do it as readily as if I were in his family. But as he said upon a different occasion, *Difficilius est invenire quam vincere*, so 'tis here—harder, perhaps, to find anything than to get it; for all is taken *à la volée* (so cunning gamesters are we grown) and not a ball is suffered to touch the ground; many dignities and other places being disposed of for the next advowson too and nothing left to pretend to but a reversion after two lives. Yet I will not doubt to find somewhere or other an employment, in which I may serve God and His Church as I am able, and a cell to hide my head in, in which I shall not forget to pray daily for your Grace's health and prosperity and long and happy government."

Postscript.—" Dr. Honywood went yesterday towards Lincolne to take possession of his deanery and to choose and install the bishop, Dr. Sanderson. He presents his humble service to your Grace and so doth Mr. Robert Gayer, who is now heir of all his father's estate, the posthumous and only child of his brother being dead since the King's return."

MICHAEL BOYLE, Bishop of Cork, to JOHN BRAMHALL, Archbishop of Armagh, at Dublin.

1660, Nov. 13. London.—I stay here by the commands of the Marquess of Ormond that I may attend to the affairs which relate to the settlement of Ireland. I hope you will excuse my long absence, which has given me the opportunity of preventing some mischief which might have fallen on the Church of Ireland by the importunate pressings of some persons of quality that (in the declaration for the settlement of that kingdom) a clause might be inserted for avoiding all those improvements which were made by Lord Strafford. But this being opposed by all the interest I could make, they then purposed that the declaration should refer all such improvements to the consideration of the next Parliament, but this I likewise prevailed against. However, I sufficiently discern the purpose of some to bring it in by a bill this next Parliament in Ireland, whereof I held myself obliged to give you some advertisement. . . .

I have waited on the Marquess about the impropriations which are in the King's gift in Ireland as the leases expire, and I find him very inclinable to serve the Church therein. There is a petition now delivered in upon that account which I showed

to our Lord Chancellor and the Earl of Orery, who have engaged themselves to befriend it in what they are able. The Bishop of London has likewise promised his best assistance, but I think it very necessary that there be some person of parts always resident here, that may know the condition of the Church and be employed to attend to such directions as he shall receive from you therein; for though the Bishops of London and Worcester would prefer your desires to his Majesty, yet without some knowing person to attend the managing of them the business must of necessity be improsperous. I am now upon my journey for Ireland.

On the back are the following notes in Bramhall's hand:—

"1. The putting down rents.

"2. The tithing table of Ulster to be extended to the whole kingdom by Act of Parliament.

"3. Clergy heard at the Council table. Always was so.

"4. Impropriations restored, forfeited as well as others.

"5. Fee farms and other lands held of the Church forfeited to be restored to the Church, especially Dublin. Show the necessity of it.

"6. Glebes. At this time or never.

"7. First fruits remitted *pro hac vice* and the tax to be settled for the future.

"8. Unions of benefice.

"9. Purge the bishops.

"Land for schools."

ROBERT MOSSOM [Dean of Christ Church, Dublin,] to JOHN BRAMHALL, Archbishop of Armagh, in Dublin.

1660, Nov. 25. Daventry.—Announcing that he has obtained and brings with him into Ireland, signed and sealed, his Majesty's grant of all appropriations vested in the Crown to the several incumbents and curates and their successors throughout Ireland, reserving only the old rent to be paid to the King; which appropriations are not only those whose leases are expired but also the reversions and whatsoever are now vested in the Crown by attainder of rebellion (where they are not restored in the present settlement of estates in Ireland); also his Majesty's grant of all manors, lands, etc., which were held of any archbishop, bishop, etc., and are now vested in the Crown by attainder of rebellion to be conferred upon the respective archbishops, bishops, etc., to be held by them and their successors in frank almoin.

Cf. Cal. S.P. Ireland, 1660-1662, *p.* 91.

ELIZABETH, QUEEN OF BOHEMIA, to JOHN BRAMHALL, Archbishop of Armagh.

[1660,] Dec. 10 *N. St.* Hagh.—"My Lord, Dr. Beaumont going ouer for Irland to be instaled in the deanrie the King

my Nephue has bene pleased to bestow vpon him, I have sent him this letter for you, to recommend him to your fauour having bene mine and still esteemed verie much by me, but this is not my cheef interest, which is to congratulat your promotion which you so iustlie desarue. I pray be confident that none of your frends is more glad of it then I ame nor wisheth you more hapiness then I doe who ame euer your most affectionat frend Elizabeth."

GEORGE BEAUMONT to JOHN BRAMHALL, Archbishop of Armagh, in Dublin.

1660, Dec. 11–21. London.—"Your Grace's kind letter of Nov. 24 hath not only established my old confidence of your continued favour; but exceedingly hoisted (hoysed) and filled all my sails with encouragement to that port whereunto by God's grace with as much possible diligence as may be I am now tending first. My Lord of Kingstoun at my Lord Orerae's [Orrery's] motion hath promised me a place in his coach (he says to Beaumaris), a favour the Bishops of London and Worcester obtained for me, and to-day 'tis told me we may set out from hence on Monday next. The Lord Chancellor's going, I am informed, is not so certain nor so soon, and since the comfort of your Grace's letter I have not only shut mine ears to some new and considerable proposals here, but, having passed all the seals, labour now in a desire to leave fatherland and to be under the comforts of influence and jurisdiction of your Grace's fatherhood in Ireland, with whom I trust Almighty God hath commanded my duty and happiness in this world, for which God be thanked.

"I humbly thank your Grace for your recommending my business to Alderman Finch, of whom (if need be) your Grace may please to remand the authentic copy of the King's grant signed by Secretary Nicholas for those Michaelmas rents, which copy I sent unto him not knowing better, and being advised unto him with promise of his care by his son Mr. Finch, a merchant here.

"My Lord, I received the same day with your Grace's a letter from her Majesty the Queen of Bohemia of free leave to dispose of myself for my good as I like. And now in order unto expedition for Ireland I am entering that necessary tedious compliment of taking leave of friends, among whom the Bishop of London, I telling him I meant to write to your Grace to-day and asking him for some material news, with great affection he desired me to present his humble service, mentioning some business your Grace had commended to him, of which he said he could procure his Majesty's letters, but for following the seals he wished some deputed person were here and says he will write at large by Dean Hever."

GILBERT SHELDON, Bishop of London, to JOHN BRAMHALL, Archbishop of Armagh.

1660[-1], Jan. 19.—Recommending Mr. Marsh, who is near of kin to the Lord Chancellor's lady and has been represented to the writer as a very sober and learned person, for the deanery of Armagh, which he will try to persuade Dr. Heaver to resign. *Francis Marsh was elected Dean of Armagh on June* 19, 1661.

ROBERT MAXWELL, Bishop of Kilmore, to JOHN BRAMHALL, Archbishop of Armagh.

1660[-1], Feb. 14. Dublin.—Recommending the bearer, Lieut.-Col. Cunningham, as hopeful to be made a convert.

WILLIAM FULLER [Dean of St. Patrick's] to JOHN BRAMHALL, Archbishop of Armagh.

1660[-1], Feb. 18. Dublyn.—" The news of these last packets hath filled this city with admiration at that which is already done and raised an high expectation what the next will produce." The pamphlet will discover to you the two Acts of the Scottish Parliament. The Bishop of Worcester has commanded me to let you know that Lord Atholl's brother came very lately post from Scotland with instructions from Commissioner Midleton to assure the Bishops of London and Worcester that most of the lords, knights and boroughs were for episcopacy in the right sense. The next news you will hear will be a petition from the Parliament of Scotland for the restoration of episcopacy. Lord Bristow is sent away for Flanders, occasioned by the King of Spaine's unhandsome disbanding of the British regiments there, without pay or appointing them quarters. They repaired towards Dunkirk, and now the Popish troops and companies are sent towards Mardike, where they are fortifying. The Protestant are received into Dunkirk, which is speedily to be reinforced with nine [*or* ten] regiments; part of our fleet being gone to sea. Dunkirk long wondered at the emptiness of their markets; and at last they found the country about was privately forbidden to repair thither. The Marquess of Ormond is designed for Portugal, whose Infanta is to come for England with 1,200,000*l.* sterling, a port town in that coast, a town in Ormus, other towns in Angola and the places adjacent, with the liberty of exercise of our religion in Lisbon. The lady left absolutely to the dispose of our King in point of religion. Lord Orery gave me the extract of a letter from Francford concerning the uniting of the religions. But the articles are but proposals and good wishes only. That the Jansenist bestirs himself is very manifest. Cardinal de Retz supplies the place of Mazerine, who is dangerously sick of a hectic fever. If France choose not a patriach, certainly Portugall will, which cannot forget her ill usage by the Court of Rome. Some stirrings

are in France, secretly set up by Conde, who has a fair game to play now. And the burning of the Lover [Louvre] in Paris is interpreted for an ill omen. Dunkirk is to have a new Governor. I hear that Cromwell's head is stolen away since it was set up.

ROGER BOYLE, first EARL OF ORRERY, to JOHN BRAMHALL, Archbishop of Armagh, in Dublin.

1660[-1], Feb. 24. London.—The King does not wish Irish Papists to repossess themselves of their former estates to the disadvantage of such adventurers and soldiers as are now possessed of them for adventures or arrears, until the latter have a reprise of equal value. *Signed.*

The LORDS JUSTICES OF IRELAND to JOHN BRAMHALL, Archbishop of Armagh.

1661, April 13. Dublin.—Concerning the collection of the money to be paid to the King by the clergy of his diocese. *Eight signatures.*

ELIZABETH, QUEEN OF BOHEMIA, to JOHN BRAMHALL, Archbishop of Armagh.

[1661, April 23-May 3. The Hague.]—Thanking him for his letter and assuring him of the continuance of her affection. "This day the King, my dear nephew, is crow[ned in] spite of the fan[atics]." *Much torn.*

JAMES BUTLER, first DUKE OF ORMONDE, to JOHN BRAMHALL, Archbishop of Armagh, at Dublin.

1661, May 27. Whitehall.—Recommending Dr. Lewis Downes for preferment. *Signed.*

CHARLES II to JOHN BRAMHALL, Archbishop of Armagh.

1661, June. Whitehall.—To confer upon Sir James Graham, knight, the forfeited lands of Glaspistle and Duffes Farm and other lands in the parish of Termonfeichan, holding of the see of Ardmach and lying in the county of Louth. *Corrected draft.*

The LORDS JUSTICES and COUNCIL OF IRELAND to the ARCHBISHOPS and BISHOPS OF IRELAND.

1661, July 23. Dublin.—To set and dispose of the impropriate forfeited tithes and glebe in their dioceses for a year commencing May 1 last, and to give bonds to pay to his Majesty as much as was paid for the last year, except as by particular orders from this board have been already disposed of. *Sixteen signatures.*

MICHAEL BOYLE, Bishop of Cork, to JOHN BRAMHALL, Archbishop of Armagh, at Dublin.

1661, Aug. 13.—Nothing has yet been moved in the business of the Church. I have only been with the Bishops of London and Worcester, both which assure me of their best endeavours therein, and I cannot doubt but they will appear very concerned in that settlement as very conducible unto their own. The kingdom of Scotland is likely to turn episcopal. Some of their bishops are to be suddenly consecrated here. Mr. Sharpe is designed for the archbishopric of St. Andrewes, "a person who hath been highly presbyterian and hath so great an interest in that people, that it is supposed he will be eminently instrumental in that change, though it is supposed their change will not be upon so clear an accompt as could be wished; but things must be wrought by degrees which cannot be attained to on a sudden." I shall beseech you to remember those advertisements you promised should be sent concerning the Church allowances and properties according to the rule of the ancient plantations, and those other particulars in which you think it necessary for us to move. "It is not yet certain when the King will begin his progress nor will he certainly resolve it until he see the General [Monck] in a condition of health, who is now very sick and very much lamented by all his Majesty's friends. He is very well to the Church and to the English interest in Ireland."

JOHN PARKER, Bishop of Elphin, to JOHN BRAMHALL, Archbishop of Armagh, at Dublin.

1661, Aug. 17. London.—Some persons here are labouring to undermine the Church of Ireland, but I hope their endeavours will prove very successless. I have acquainted the Duke of Ormonde, my Lord of London, my Lord of Worcester, etc., with it, and they assure me his Majesty will not grant anything that may tend to an indulgence of nonconformity. The bill of settlement has been read and is now exposed to the consideration of the Irish, who are to return it on Monday next with their objections, and then I shall be able to give you an account of what is likely to follow. The General is very sick and the King does not go his progress. The Presbyterians are very clamorous and highly discontented. I hope you will hasten those additional instructions you intended, and if I receive any instructions from you in particular, they shall be most punctually observed.

JOHN PARKER, Bishop of Elphin, to JOHN BRAMHALL, Archbishop of Armagh, at Dublin.

1661, Aug. 20. London.—"I should not have given your Lordship this trouble so soon after my last but that I find how active some persons are to devour the patrimony of the Church

and that some who have been sent with us and pretend to be true children of it both advise others to attempt and do themselves labour the ruin of it. The impropriations which his Majesty was pleased to grant to the Church of Ireland it is the vigorous endeavour of some to snatch from it. This I acquainted my Lord Duke of Ormonde with, the Bishop of London and Bishop of Worcester, who have acquainted his Majesty with the design and have promised that nothing shall pass to the prejudice of the Church of Ireland. To this end my Lord of Cork and myself were yesterday with Secretary Nicholas, who well remembers the letter his Majesty sent to the Lords Justices in that behalf and has promised to give us notice before anything shall pass. I was brought by a friend to the Duke of York upon this business, who has engaged to stand our friend and who is a zealous and active friend to the Church. My Lord, we are like to meet with powerful oppositions in this business, therefore I desire your Grace's speedy advice, and that you would hasten away the instrument for the subsidy."

MICHAEL BOYLE, Bishop of Cork, to JOHN BRAMHALL, Archbishop of Armagh, at Dublin.

1661, Aug. 20. London.—Of the same tenor as the foregoing letters.

MICHAEL BOYLE, Bishop of Cork, to JOHN BRAMHALL, Archbishop of Armagh, at Dublin.

1661, Aug. 27. London.—I have not heard from you since I left Dublin, which has disabled me from prosecuting your commands with as much confidence as otherwise I should. "The whole proviso for the Church was under a designation to be thrown out with the rest of the provisoes in the Act, the number whereof was so great that they brought a displeasure upon all. What will yet be the issue thereof I cannot tell; but this I know, that some persons who professed the greatest faithfulness imaginable to the concerns of the Church did in my presence move the laying by of all the provisoes and particularly that of the churches, and urged it by the force of this dilemma, that either it was agreeable to the Declaration or else it was against it; if the former, then the proviso was unnecessary, the Declaration itself having provided for us; if the latter, then it ought not to be continued. This was learnedly urged by our reverend Speaker, but I suppose it did him no great advantage. Something also to our prejudice was offered upon the accompt of the impropriations; but I hope we shall not be concluded without further hearing, though it be pressed by some that our demands for the Church are very high and very unseasonable." I would gladly have been furnished with records that would have been some precedent, and for this I depended upon you, but have not yet received anything. I

prevailed with the Bishops of London and Worcester to go with me to the Chancellor. After some hours' discourse, my hopes are somewhat g[reater ?], but I could have wished our demands had not been so large. We have not yet been called upon in public nor has anything been passed either for or against us. *Torn.*

MICHAEL BOYLE, Bishop of Cork, to JOHN BRAMHALL, Archbishop of Armagh, at Dublin.

1661, Sept. 3. London.—" We were yesterday commanded to attend the Council to make answer to a paper put in by the Irish in objection to the preface of our bill, which contained in it nothing but matter of vindication of themselves and crimination of us, as if the rebellion of Lynster were an act rather enforced on them by a rude multitude out of the North, whose power they could not resist, and by the great suspicion, jealousy and designs of the then Lords Justices, which they knew not how to evade, rather than by any inclination in themselves; that they confessed themselves in a fault but were the [*torn*] their returns; that they were not more to be blamed than other persons who have since possessed themselves of their lands and now plead for a confirmation of them; with much more stuff of this kind." The Lord Chancellor reproved them, declaring that his Majesty could not look upon that action under any other notion than as a horrid and barbarous rebellion, and advised them to give over any expectations of advantage from such a defence, and to apply to his Majesty under some of the qualifications which he had set down in his Declaration, either as innocent Papists or as persons comprehended under the peace; then he durst assure them that his Majesty would do them all the right they could expect. To-morrow we are to attend again when the Irish are to put in their objections as to some deficiencies in the Declaration, or to some particular sufferances for want of execution of the Declaration. I cannot give you any good account concerning the affairs of the Church. We have enemies of divers kinds, but those who are likeliest to prove most mischievous are some whom we carried along with us and who solemnly protested their concurrence with the advantages of the Church upon all occasions. " But nothing of engagement or obligation can restrain factious and uncertain people. They will still show their inclinations when they have opportunities of doing it." The Lord Steward is perfectly our friend; so are the Bishops of London and Worcester. They both went with me to the Lord Chancellor, where we argued all the business before them, and the proposals I then made seemed not unto them irrational. But I have more reason to fear than hope that we shall be successful. The business of the lands held of the Church is made vast and prodigious, and our demands are represented to be very unseasonable in regard of those great

obligations which lie upon the King to make up a competency of reprisals. The impropriations are likewise extremely picqued at, and for the Church to be put into as good a condition as in 1640 is supposed a most munificent indulgence. In this case lies all our business as yet, but I suppose a few days may give us a clearer light to guess by. I hope to attend his Majesty this night to possess him of his father's and his own engagements, which I shall endeavour to do more fully than has yet been done. We have received your letters without some papers which you wrote you sent; which puts us to a great loss for proof of what was done by King James in the plantation of Ulster, the great office and the patent for Meath being irrecoverable by us here. If Parliament sits again, I beseech you to prevent anything being done in Captain Gookin's business in my absence.

JOHN PARKER, Bishop of Elphin, to [JOHN BRAMHALL, Archbishop of Armagh].

1661, Sept. 3. London.—My Lord of Cork and I have not yet seen the patent of Meath and other papers which you say you sent. Please hasten them, also the tithing table of Ulster and the instrument by which we grant the King eight subsidies. Yesterday morning I had half an hour's discourse with his Majesty in his bedchamber, brought thither by the Duke of Ormonde. His Majesty assured me of the impropriations and chantry lands for the Church, which I am confident would be effected speedily (notwithstanding the opposition of Sir Audley Mervine and others) if we could but gain the Chancellor. I was promised by my Lords of London and Worcester that they both would dine with him this day and try if they might work on him. I beseech you write to him and sweeten him what you can. Sir Edward Nicholas gives me notice of anything of detriment that may happen to the Church of Ireland, which he has showed himself very ready to serve. I hope you will give him special thanks. Yesterday was the hearing between the Irish and us about the preamble to the bill of settlement. They stumbled much at the word 'conquest.' Their whole objection to that preamble consisted of impertinent recriminations, for which they received a sharp check from the Chancellor. To-morrow they proceed to the body of the bill. They have also put in objections against the Declaration, which will occasion (I fear) a new debating of it. I understand there is a bill come over to pass some lands of the bishopric of Elphin in fee farm to the Earl of Montrath. I wonder it should be done and I never consulted. I hope I shall find friends to stop it here. The King has declared that such Irish as served him beyond the seas shall be restored to their estates, and I believe all particular grants will be made void. "Your Grace will see a change in Ireland ere long. Take not notice of it but to your own advantage only in private and you shall hear more fully from, my Lord, your Grace's most humble servant."

HUGH MONTGOMERY, first EARL OF MOUNT ALEXANDER, to Archbishop of Armagh, at Dublin.

1661, Sept. 3. London.—"It is but fourteen days the morrow since my coming to town, the most part of which time hath been spent upon the great business of the bill, wherein you know we of the House of Lords could be no further concerned in our public capacity than our instructions lead us; yet in obedience to the King's commands we have all appeared at Council several times to satisfy his Majesty in some objections the Irish made; wherein I hope we have neither varied from the commands of the House nor been wanting in our duty to an English and Protestant interest in that country. Yesterday Sir Audley branched it at Council before his Majesty till he and the whole Council were wearied; yet we proceeded no further than the preamble. What will be the issue cannot be positively determined; but certainly the Declaration will be the foundation. The Irish do themselves more prejudice by justifying their innocence, aspersing lewdly the former and present governors of Ireland, and adhering to the benefit of the peace [of] 48, which they well know they have often broken, than all any other says against them hurts them. Some days since we of the House of Lords gave one copy of our instructions to the Duke of Ormonde and another to the Lord Chancellor; and yesterday his Grace carried us to the King, who most graciously accepted our instructions and promised us answers before the bill passed, and we particularly pressing the case of the poor bishoprics and the Provost of the college, his Majesty was very sensible of both and with much concern promised his special care of both. We are all, Lords and Commons, commanded to attend again the morrow."

THOMAS FULWAR, Archbishop of Cashel, to JOHN BRAMHALL, Archbishop of Armagh.

1661, Sept. 9. Cashel.—Concerning the lands of his bishopric.

JAMES BUTLER, first DUKE OF ORMONDE, to ROGER BOYLE, first EARL OF ORRERY, at Dublin.

1661, Sept. 9. Whitehall.—"You will find by what my Lord of Kingston and Sir George Lane will write to you by to-morrow's post, that I did not think to have written to you myself, but having gotten some more time than I expected I held it in some degree necessary to express my meaning in my own words at this time, when the state of your great business in debate here may be represented over there, ignorantly, vainly or maliciously according to the weakness, ungrounded exaltation or design of the representor. The bare truth is, the stroke that is now to be given being mortal wherever it shall light, the preceding circumspection and hesitation is natural enough, yet I desire you would make others confident if you find cause

for it (make me if you please the author) that there may be no apprehension but that a true English Protestant interest is the immoveable foundation upon which his Majesty intends to build all his security and the happiness of his kingdoms, and that he is the more intent to fix it beyond all possibility of being shaken in Ireland from the experience of former but especially of the last horrible attempts to undermine it there. This is a truth founded on so much reason, and that so much on self-preservation, that I should not give you the trouble of telling it to you, but that I find many English here relating to Ireland either really or pretendedly alarmed at what passed in the last debate upon the bill, and some of the Irish foolishly exalted as if they had gained much that day, whereas it will be found if men have but the patience to attend the event that the King's intentions are the same with his words and those the same they were Nov. 30 last. It had been cruelty to oppose my Lord Chancellor's desire of seeing his country once in twenty years, nor will his going thither much retard the work, the Irish having left so much upon your commissioners I am myself going to take the air for four or five days to-morrow." *Copy.*

The COMMISSIONERS OF THE IRISH HOUSE OF LORDS to JOHN BRAMHALL, Archbishop of Armagh, in Dublin.

1661, Sept. 10. London.—"In obedience to the commands of the House we have presented the address of both Houses unto his Majesty, which was very well accepted both by his Majesty and the whole Court. We have also presented our instructions, to which his Majesty hath yet returned no particular answer, only that business of the doubling ordinance being debated at the Council Board in the presence of the King, we may give your Grace this intimation, that by observation of the proceedings we think that instruction from the House will have its desired effect, though the Lord Massarine publicly opposed it and appeared as an agent for the adventurers upon the doubling ordinance, contrary to his engagement to the House of Lords, which he denied when taxed thereof by the Earl of Kildare. As to the fourth instruction, his Majesty was pleased to return us this answer, that the persons who appear in behalf of the Irish were not admitted as public agents, but only acted in their own private capacities for the preservation of their estates. To the other instructions his Majesty has promised an answer, which when we receive we shall give a full account thereof." *Signed:* Mount Alexander; Kildare; Jo: Elphin.

MICHAEL BOYLE, Bishop of Cork, to JOHN BRAMHALL, Archbishop of Armagh, at Dublin.

1661, Sept. 14. London.—We are still ignorant how to move for want of your directions. The affairs of the Church stand

yet as they did by reason of the absence of the great lord whose return we expect next week. I humbly advise you to direct the bishops in the North to be very inquisitive amongst the Ulster presbyters, for I am privately informed and by very good hands that they are carrying a remonstrance of their great loyalty and sufferance for his Majesty's service during his banishment, which they intend to present to him and thereupon to buy some graces and concessions in the exercise of their religion. If you can discover anything of this nature it will be convenient to prevent it, though I have already advertised his Majesty that any such concession would be extremely prejudicial to the settlement of the Church of Ireland; and the first thing that put the sectarian party into any height of expectation was a letter which was sent over to the Convention of bringing his Majesty's Declaration of Religion exemplified into that kingdom; "whereunto his Majesty replied very briskly that whoever did that did it without his commission, and he did believe he should in a short time publish another declaration which would take them off from any such expectancies, which was a feature that pleased me very highly."

GEORGE WILD, Bishop of Derry, to [JOHN BRAMHALL, Archbishop of Armagh].

1661, Sept. 27. Lifford.—"Your Grace's letter of the 22nd instant found me at Strebane, where I was forced to come for the preventing some great dangers which we justly feared from the notorious conventicles in these parts. But now I hope I have so ordered the business there by the very opportune coming of your Grace's present (the Scotch proclamation for bishops) that if I can but do as well at Ballykelly and Newton Limavaddy (from whence I am alarmed with high contempts, and where I mean to throw myself on Sunday next amidst the thickest of those schismatics) I shall then hope to give your Grace some good account of this diocese at my return to Dublin. But it is impossible to enjoy peace or any contentment here so long as these trumpets of sedition can get the people to hear them. If your Grace have leisure to read the following passage, it was sent me the 24 instant from Ballykelly, from an orthodox clergyman, my chaplain.

> "'The faction is grown very potent and very impudent; they crow extremely and our party is as much disheartened hereabouts. The fame is that they now go armed to their conventicles; that they talk of having another day for it; that this is but one turn among many, which will be shortly succeeded by another; that they are providing and fixing arms apace; and such things; which whether true or false do very much dishearten the faint-hearted and make others at a gaze or stand; not to speak now of the pulpit drums and

mouth granadoes which they beat and cast at your Lordship and all bishops' men. Many such speeches the country rings of, which are easily said indeed, but they which say them are not willing or not able to prove.'

"This is the account which I have from Mr. Blackman; of which your Grace (being so well acquainted with the humour of the Scots) is better able to pass a judgment at distance than I can upon the place. Yet I believe myself all these reports are but of elder guns. However, if it might stand with the wisdom of the State only to show these factious parts a troop of horse, though it were presently called back to other quarters, it would be of mighty advantage, both to the awing of the fanatic presbyter and to the raising of the spirits of the loyal episcopists. Meanwhile, I shall endeavour all I can to keep out seditious remonstrants from entering into my diocese and their seditious subscriptions."

Faughen, Oct. 1, 1661.

"I am not sorry that my news of Strebane in the reverse came too late to Derry for the last intended post. For by this means I can now give your Grace some little account of Ballykelly and Newton. I was at both these places upon Sunday last, and met with some that were going to the conventicle, but with all the power and art I had could not learn the place where. I have cited divers to appear before me, and since I find the persuasives which I have hitherto used do little good, I shall now begin vigorously to exercise that power which the laws have given me . . ."

JOHN PARKER, Bishop of Elphin, to JOHN BRAMHALL, Archbishop of Armagh, at Dublin.

1661, Sept. 28.—"That you have not yet received what I promised in my last, that is, a letter from the King for the forgiving of the first fruits to the clergy, has been occasioned partly by his Majesty's frequent absence from Whitehall, during the Chancellor's being in the country, but he being returned and his Majesty at Whitehall, I hope your Grace shall receive a speedy account of that business. I hear the Irish talk high in Dublin what favours they have received here, and are confident they shall all of them have their estates. When I am Emperor of Russia 'tis possible they may, but if I can see into the state of things I am very confident that many that are named in the Declaration will come short of their expectations, much more those that were never thought of when it was composed. We have done a great part of our answer to their objections against the bill (the King commanding that the commissioners of both Houses should have the perusal of them). This day we began to read the rest of their objections, which came but in yesterday, consisting of 44 sheets of paper,

to which we shall be able to give a shorter answer and hope within ten days to give your Grace an account of the issue of it. Our new Queen will be here in November, if not sooner. Not one word yet of the patent of Meath, bill of subsidy or the papers your Grace mentions, but only the tithing table of Ulster."

DOCTOR EDWARD LAKE to JOHN BRAMHALL, Archbishop of Armagh, at Dublin.

1661, Sept. 28. In the Little Cloisters, Westminster.—Private affairs.

Postscript.—"This next week the Irish settlement is intended, I hear, to be thoroughly considered on. God grant an happy stablishment of it. My Lords Bishops of Elfin and Cork have spoken to me about framing a letter for the clergy of Ireland about the remission of their first fruits, twentieth part, etc., and I shall therein advise them the best I can. My Lord of Holland's lady, Sir Arthur Ingram's daughter, dying about a fortnight since, they say in all haste he must be speedily married to a daughter of my Lord of Manchester's. We begin to talk of the Portingall Infanta (now our espoused Queen, as we say, having that title in her own and our country) her coming over in November. Some very small alterations are intended in our liturgy, with addition of some collects for ordination of ministers and with a form for baptizing of adults. The clergy, I hear, subscribe very liberally for money to the King. The College of Westminster, 'tis said, gives 1,000*l.* and the Dean and Chapter of Lincoln as much, besides what every particular man gives."

WILLIAM FULLER [Dean of St. Patrick's] to JOHN BRAMHALL, Archbishop of Armagh, in Dublin.

1661, Sept. 28.—" . . . The Popish party are like to receive a fatal blow from my Lord of Elphin, who has drawn out of my Lord Duke of Ormond's remonstrance and his own observations, sharp passages which will spoil their fine harangues. I converse sometimes with some of that party, and I find them not so crank as formerly. . . ."

JOHN PARKER, Bishop of Elphin, to JOHN BRAMHALL, Archbishop of Armagh, at Dublin.

1661, Oct. 1. London.—"Since my last we have met with your bill of subsidies, which was lodged with Sir Heneage Finch, the King's Solicitor. To-morrow we are to attend his Majesty at the Council Board, and by next post we hope to give the House an account of our instructions. I am by order of the rest of the Lords Commissioners to acquaint his Majesty there (which has been done already in private) of the instruction

concerning cautionary reprisals and your vote concerning the nulling of purchases made by the commissioners of the Court of Claims, which when done I shall render your Grace an account of the negotiation. We are like to have some trouble with the '49 men about the fee farms and chantry lands; they say that business shall be tempered [?] in Ireland. We have had a great battle here upon the *intrado* made by the Swedish ambassador, the Spanish and French in the solemnity contending for place. The Spanish outwitted the French, putting iron chains under the harness of their coach-horses, which kept them from being cut, which the French omitting had their harness and traces cut; three of their horses with the postilion belonging to the French ambassador's coach killed, divers of the French killed, many wounded, and all the party (though three times more numerous than the Spaniard) shamefully beaten. The cits were before in arms to prevent any further advantage that might have been taken of this rancounter. The King's guards of horse and foot were spectators, but let them fight on without parting them. I hear some of our English butchers assisted the Spaniard, which was contrary to the King's order, but they are not known. However, I find they have generally more kindness for the Spaniard than French. I hope within ten days to give your Grace an accompt what time we are likely to be dismissed."

For an account of the dispute between the ambassadors, see Jusserand, A French Ambassador at the Court of Charles II, *pp.* 24 et seqq.; *also Pepys*, sub dat. *Sept.* 30, 1661.

MICHAEL BOYLE, Bishop of Cork, to JOHN BRAMHALL, Archbishop of Armagh, at Dublin.

1661, Oct. 5. Sommerset House.—I have received your letters with the papers, which I shall endeavour to make use of. Our answers are almost ready and we hope to put them into the Council Table on Wednesday next, but until the bill of settlement be come to some resolve, we can make but a very uncertain guess at our success in Church affairs. You seem in your letter to intimate that I made some unhandsome reflexion upon your fee farm to the Lord Chief Baron, or that of the Bishop of Derry or that of the Bishop of Down. I confess I heard a person here speak something against them, but I told him that I was confident that yours and the others above-mentioned were granted upon considerable advantages for the Church. I indeed writ to you about fee farms being inserted without the privity of the bishops or those to whom they most properly belonged, as that of the Bishop of Ferns and another belonging to the Dean of St. Patrick's, but I never objected against the others and when I shall have occasion I shall not be backward to speak for them.

GEORGE WILD, Bishop of Derry, to JOHN BRAMHALL, Archbishop of Armagh, at Dublin.

1661, Oct. 8. Derry.—"I gave your Grace some account the last week how I had disturbed and in some measure routed the conventicles about Ballykelly and Newton. And now I am told their trumpets of sedition are removed further off into the woods and towards the mountains. But I hope to reach them there. Whatsoever lies in my power I shall be most ready to do, as my duty binds me. . ."

MICHAEL BOYLE, Bishop of Cork, to JOHN BRAMHALL, Archbishop of Armagh, at Dublin.

1661, Oct. 12. Somerset House.—The letter of mortmain which you directed us to take out we have returned to the Provost of the college by this post. We have not yet proceeded any further in the business of the Church, nor shall, I suppose, until something be resolved upon the general bill of settlement. Our answers to their very large objections are now concluded and we intend to present them to his Majesty on Monday. I am somewhat unsatisfied that you have writ so largely to Sir Audley Mervin and acquainted him with all we have to say upon that argument. We cannot yet get the King's resolutions concerning the twentieths and first fruits, but we hope within a few days to be able to give you a perfect account thereof. Yesterday's post from France brought a report of the breach like to be between the French and Spaniard, which is advanced so far that the King of France has ordered that those towns which upon the treaty were to be delivered up to the Spaniard be respited until further orders. The occasion hereof is said to be the Spanish ambassador's endeavours, while he was resident at Paris, to corrupt some French officers to surrender some garrisons.

MICHAEL BOYLE, Bishop of Cork, to JOHN BRAMHALL, Archbishop of Armagh, at Dublin.

1661, Oct. 19. Somerset House.—I last night received a pacquet from you of the 9th instant, another of the 12th, and a third pacquet of no date, containing nothing but half a dozen sheets of blank paper, which I thought to have returned by this post as I can make nothing of them; but I shall keep them in expectation that your next letter may unfold their meaning, but upon failure thereof I shall remit them to you, who can certainly make better use of them than I.

I am much unsatisfied that you should send over a bill for our first fruits and twentieths, which I know had been stopped at the Council Table had we made our application that way; but we applied to his Majesty about them, who has promised us his letter for that purpose. In case it be not come over before the receipt hereof, I advise you to make some stop thereof

until you hear further. The letter of mortmain is sent over. Mr. Sharpe is now come to town and by the next post I shall be able to give you some account of the papers. Our Church business is yet at a stand, but the public bill being now upon debate will bring the clause concerning the Church to some determination; which we resolve by the assistance of all our friends to put some issue to with the other, that both interests, ecclesiastical and civil, may go together in one Act of Settlement. Our answers to the objections made by the Irish were read yesterday by a committee of the Council appointed by his Majesty. That which is principally insisted on by them is, first, that the Irish rebellion was not universal, and therefore that our investiture of the lands into his Majesty should be personal; secondly, they say that his Majesty is obliged by honour and justice to make good the peace of 1648 unto them. Both these we peremptorily oppose and do not much doubt but we shall make it appear that they have forfeited their right to these articles and that the rebellion was extensive to all the confederate Roman Catholics in Ireland, who were all excepting few persons within the English quarters.

JOHN PARKER, Bishop of Elphin, to JOHN BRAMHALL, Archbishop of Armagh, at Dublin.

1661, Oct. 19. London.—"I have received yours of Sept. 26 and 2 instant; both came to my hands yesterday. It has been my business this week to follow the letter for the first fruits. The Bishop of Cork and myself went to Dr. Lake to draw us up a letter that might be full to that business and we gave him 40*s.*, but when we read it there was nothing but tedious insignificant stuff so that I was forced in haste to draw a letter myself, which my Lord Duke of Ormond and Sir Edward Nicholas have approved of. Whether it be full enough or no, I leave to your Grace and expect your advice. The letter the King has likewise approved of, and should have signed it (as he promised) this morning, but he was so early at his sport that we could not procure his hand to it this day, but by next post my Lord assures me it shall be sent. I met with some discourse at Court among persons that gape after Irish livings that our bishoprics and other livings were void because we had not compounded for the first fruits within six months after possession. I do not remember any such law, yet to prevent a mischief I went to Sir Edward Nicholas and got him to insert a clause in the letter that our not compounding should be no prejudice to our title. I have hereinclosed sent your Grace a copy of the letter. I wonder your Grace writes nothing of the receipt of the King's order concerning the cautionary reprisals, which with a duplicate thereof was sent, as also his Majesty's letter of explanation of his former order, whereby he extends it to the stopping of all the rents out of cautionary reprisals due Michaelmas last. Our answers to the Irish

objections to the great bill of settlement is now (with the whole business) referred to a committee of the Council, from whom we hope a speedy issue. The committee are Lord Chancellor, Lord Treasurer, Lord Privy Seal, Duke of Albemarle, Duke of Ormond, Lord Anglesey, Lord Hollis, Lord Cooper [? Ashley] and the two Secretaries. This day the Dean of St. Patrick's is gone to the post office to inquire about the miscarriage of the letters. A war between France and Spain will be certain: not upon the punctilio of precedence as some thought (though perhaps quickened by it) but upon discovery of a treaty between Monsieur Fokett [Fouquet] and the Spanish ministers for betraying some towns into the hands of the King of Spain. Next week we fall vigorously to work concerning the Church business. God send us good success."

HUGH MONTGOMERY, first EARL OF MOUNT ALEXANDER, to JOHN BRAMHALL, Archbishop of Armagh.

1661, Oct. 22.—I believe you are so well known to the King that you need fear no misrepresentation, but I will endeavour to know whether any such thing has been. Yesterday a new plot was discovered, wherein they say many are engaged. Colonel Lidthlott and one Wilks, now a captain in the General's regiment, are committed to the Tower. Many arms are seized on, and several ministers in and about this city complained of for traitorous and seditious sermons. Yesterday the Duke of York went to Portsmouth as is said to despatch the fleet for the Queen. We of Ireland are all going to dine with the late Mayor, Sir John [*recte* Richard] Brown.

JOHN PARKER, Bishop of Elphin, to JOHN BRAMHALL, Archbishop of Armagh.

1661, Oct. 22. London.—The long-expected letter for the first fruits, signed by his Majesty, is enclosed in the Bishop of Cork's packet, signed by his Lordship, myself and the Dean of St. Patrick's. The report being to be made to-morrow (Oct. 23) by the committee of the Council to his Majesty touching the Irish affairs, we may expect a speedy issue. "Here is a plot discovered of new attempts of the fanatics. Twenty-one are committed, some officers of the old army. I pray the Presbyterian's finger be not found in it. The place is preparing for the reception of the bishops in Parliament, which will be done with some solemnity. I heard my Lord Chancellor give strict order about it. This day we were nobly treated by my Lord Mayor of London at his house and therefore I hope after so great a feast your Grace will pardon the brevity of," etc.

Postscript.—"If the Duke of Ormond had not been very active, we had not got this letter for the first fruits. I could wish your Grace would not transmit any bill for them."

GEORGE WILD, Bishop of Derry, to JOHN BRAMHALL, Archbishop of Armagh, at Dublin.

1661, Oct. 22. Derry.—Concerning his dispute with the town and corporation of Derry about rents, and other affairs of his diocese.

MICHAEL BOYLE, Bishop of Cork, to JOHN BRAMHALL, Archbishop of Armagh, at Dublin.

1661, Oct. 26. Somerset House.—By the last post his Majesty's letter for remitting first fruits and twentieths was transmitted to you. I am sorry you have left the bill for the tithing table of Ulster to be determined there; I believe we could have effected it better here, though we shall not come to any considerable debate about the affairs of the Church until the pretensions of the Irish are determined. Wednesday next is the day prefixed for reporting our business. The Bishop of London desires you to obtain a respite from the Archbishops of Dublin and Cashel for Dean Burleye's personal attendance until next spring. As Dean of Emly and prebend of Tipper in St. Patrick's, Dublin, he is in both their dioceses. He is 68 years old and altogether incapacitated to take a winter's journey.

The EARLS of ORRERY and MOUNTRATH to JOHN BRAMHALL, Archbishop of Armagh.

[1661, ? Oct. *or* Nov.] Phenix, Tuesday morning.—"We have something in agitation this morning which is of great hope, and if effected may cement the whole Protestant interest; we have, therefore, sent my brother Shannon on purpose earnestly to desire your Grace to excuse yourself for not coming to the House till eleven o'clock, by which time we shall see the result of what is now in agitation, a brief of which my brother will acquaint your Grace." *Written by Orrery and signed by both earls.*

GEORGE BAKER, Bishop of Waterford and Lismore, to JOHN BRAMHALL, Archbishop of Armagh.

1661, Nov. 12. Waterford.—Referring to the Primate's decision the controversy between Dr. Ledisham and Mr. Matthewes about the chancellorship of Waterford; and other Church matters. *Signed.*

ROGER BOYLE, first EARL OF ORRERY, to JOHN BRAMHALL, Archbishop of Armagh, at Droghedagh.

[16]61, Nov. 14. Dublin.— . . . I think the libel you mention should be thoroughly inquired after, and since one publisher of it is found, methinks it will not be very difficult to trace the author. Such little seeds, if not rooted out, often bring forth quantity of ill fruit, and such pamphlets are the forerunners of greater evils.

JOHN PARKER, Bishop of Elphin, to JOHN BRAMHALL, Archbishop of Armagh.

1661, Nov. 16. London.—I have not received any letter from you since Oct. 19, nor one word concerning an agreement with the '49 men which you promised. Our instructions are referred to the Lord Lieutenant and committee which sit *de die in diem*. We have obtained augmentations for many bishoprics. The committee have likewise agreed to the settling of four acres *per cent.* for glebes for the clergy and providing them mansion houses. Out of the chantry lands we are to have 2*s.* in the pound according to the improved value. I caused one clause to be added, which was that what chantries or guilds were in the possession of the Church in Lord Strafford's time, though since seized on, might be wholly returned to the Church; by which I conceive I have secured St. Ann's Guild for the maintenance of the singing men of both cathedrals, and St. Syth's Guild for the minister of St. Mechan's. In the augmentation of the bishoprics the Archbishop of Cassell was left out, which I seasonably remembered and told the Bishop of Cork, who readily joined with me, and we got an augmentation of 300*l. per ann. in perpetuo* to that see. This I hope will revive my Lord of Cassell. I hope you will acquaint him with it, and tell him he owes it to me, though he thought I had forgot him. The particulars of the augmentations are:—

The Archbishop of Dublin is according to the bill to have 2,000*l. per annum.*

To the Bishop of Kildare is added 700*l. per annum in perpetuo.*

To the Bishop of Fernes is added 300*l. per annum in perpetuo.*

To the Bishop of Lymbrick is added 300*l. per annum in perpetuo.*

To Killaloe is added 200*l. per annum in perpetuo.*

To Ossory is added 400*l. per annum in perpetuo.*

To the Archbishop of Cassell is added 300*l. per annum in perpetuo.*

To the Provost of the College is added 300*l. per annum in perpetuo.*

The bishoprics of Ardfert and Kilfanora we proposed whether they should be made competent subsistencies for two bishops, that the King might have the benefit of their votes in Parliament, or whether they should be perpetually united. To this we have received no answer as yet.

WILLIAM FULLER [Dean of St. Patrick's] to [JOHN BRAMHALL, Archbishop of Armagh].

1661, Nov. 19. London.—I know the bishops have informed you what passed last week in the agreement between them and the '49 men. This day the clause of the settlement concerning

the Church was considered by their counsel. To-morrow it is to be put into the hands of Sir Heneage Finch, and on Thursday we doubt not but it will pass the board. I should be more frequent in writing if the bishops did not prevent me by their weekly intelligence. The Lord Lieutenant is very apprehensive of the advantage the school for the nobility and gentry will bring to the Church and nation, and has engaged himself to promote it highly. I am by his command to-morrow to attend him with a proposition to raise a sum of money to erect a noble fabric. We doubt not to settle on the chief master 100*l.* *per annum* and 50*l.* on the usher, to invite the ablest of this nation to serve that design. That plot of the Presbyterians which was so laughed at proves more serious. Very many of quality are confined; Baxter, Sparry and Oseland are named in the last letter; the two last secured. The declaration which was coming forth from the King for great reasons I learn will be stopped. Fain would they cast the odium of taking off the sanguinary laws from the Papists upon the bishops, it being to be proposed suddenly upon their entrance into the House. They sail between two rocks; God guide them safe through. By the next I shall give you an account of the new Common Prayer Book, having been all this day employed in comparing it with the old.

JAMES MARGETSON, Archbishop of Dublin, to [JOHN BRAMHALL, Archbishop of Armagh].

1661, Nov. 20. Dublin.—My Lord Chief Baron told me that he had received letters from you that nothing might be done in the bill for regulating the Council Board till the Church was heard, and I desired him to move the Justices therein, which he did. The result was that the bill should be drawn according to order, but nothing concluded till you come to town. Then I moved him that a proviso for hearing and determining causes relating to the Church should be inserted in the bill, which he promised to do.

I know not what to do in Stapleton's petition, for I know nothing of the business. Besides, Lord Orrery's being ill of the gout, matters of that nature are not to be moved. This night we have great signs of joy, and that by order, for the Duke of Ormond's being nominated Lord Lieutenant of Ireland, at which I am sure we have great cause to rejoice.—Public news.

ROBERT LESLEY, Bishop of Raphoe, to JOHN BRAMHALL, Archbishop of Armagh, at Dublin.

1661, Nov. 22. Raphoe.—Praying for the restitution of his jurisdiction and for leave to stay from Parliament until his diocese be in better order.

ROGER BOYLE, first EARL OF ORRERY, to JOHN BRAMHALL, Archbishop of Armagh, at Tredagh.

[16]61, Nov. 22. Dub[lin].—"The Irish are, blessed be God, laid flat on their backs." Lord Ormond has been our steady friend and is now declared Lord Lieutenant of Ireland. I hope he will be here by Candlemas. The Duke of Yorke is gone to Dunkirke. The King of France has a Dolfin. The Prince of Spaine is dead. The Lord Lieutenant lets me know he is not unmindful of your business, which I recommended to him. The Bishop of Corke tells me Sir Aud[ley] Mervin appears now the Church's friend.

JOHN PARKER, Bishop of Elphin, to JOHN BRAMHALL, Archbishop of Armagh.

1661, Nov. 26. London.—"I hope you have received the particular I sent concerning the augmentation of the bishoprics, etc. We have not done much since, only the proviso for the Church is under debate and the Bishop of Cork and myself are as careful as we can be that it be full. By the next I hope to give your Grace a more perfect account. The Spanish ambassador continues interdicted the Court and I believe he will hardly find means for reconciliation, his actings having been so unhandsome. The Duke of York is returned from Dunkerike, having settled the garrison and sent away two of the Irish regiments to Tangere. On Sunday last the two Archbishops of Scotland were consecrated at Westminster, having first received new ordination as priests by the English bishops. This highly discontents the presbyters and they are very insolent as you may see by these papers, but I believe this Parliament will tame them. Vaine, Lambert, etc., are sent for back to their trial. Yesterday H[enry] Martin, Tuchburne and the rest appeared before the House in order to their sentence. The Parliament have given 1,200,000*l.* to the King for his present supply, and intend to settle 1,500,000*l. per annum* on him; they act high and nobly for the interest of King and Church. We have not heard from Ireland since the Duke of Ormonde was declared Lord Lieutenant. On Thursday last we entertained his Grace and the committee of the Council. It will cost us 300*l.* The Commons have money for such extraordinary occasions, but our parts of it goes out of our own purses. Truly, my Lord, our employments are very chargeable and our long stay will need a supply, which I hope your Grace will forward."

Postscript.—"The Common Prayer Book is almost finished. It has passed both Houses of Convocation as far as confirmation."

ROGER BOYLE, first EARL OF ORRERY, to JOHN BRAMHALL, Archbishop of Armagh, at Drogedagh.

[16]61, Nov. 26. Dublin.—"On receipt of your Grace's letter I was so much troubled at the unworthy usage of the good Bishop of Derry that I could have no quiet till this morning I got his letter to your Grace read, and got a letter written to his Lordship from the Lords Justices and Council, expressing their trouble at it. We have also sent a pursuivant to attach Will and the other men that were mentioned by name in the depositions and bring them to Dublin. The pursuivant has these further orders, to attach such other men or women (for the females are the ringleaders in such riots) as the bishop shall nominate as most guilty. And the Recorder of Derry has orders to prosecute all that shall be found faulty in this business. On petition also from Mr. Dean of Derry concerning his house at Clondermut justice shall be speedily done him. I hope this course will punish what is past and prevent what is to come."

Postscript.—"We have ordered the Governor of Derry and the Sheriff to seize on all arms new furbishing or furbished."

JOHN LESLEY, Bishop of Clogher, to [JOHN BRAMHALL, Archbishop of Armagh].

1661, Nov. Enishkeilein.—All things in my diocese are in as good order as you could wish. "All Ulster is affrighted out of their wits with the current report of most fearful and portentous visions from England. My Lord, *si non fu vero fu ben trovato*: the brain that forges such devices hath treason in the heart. I wish that authority would consider and foresee what mischief may ensue upon these delusions and terrors offered to the people. Thus his Majesty's enemies can attempt with the brain what they dare not with the hand. From ravenous interests and from fiery zealots of all sects, *libera nos, Domine.* My Lord, the Irish cannot (if not induced and supported from abroad), the honest English will not, so I apprehend the ghost of the Covenant is sent back again from Hell to trouble us once more." I am desired by the Justices of the Peace to give notice to the Lords Justices of the confusion of this whole country arising from the uncertainty of the moneys; for most men, yea, some Justices of the Peace, refuse to receive any of Cromwell's money. I beg you to help me to those moneys which the Parliament bestowed upon me.

Postscript.—"The Earl of Meath's agent refuses to pay his rent, and relies upon his privilege of Parliament, which I hope will countenance no such oppression. I resolve to distrain my own land, not his. I cannot live without my rent; and do claim my privilege to distrain as my Lord of Meath to withhold."

MICHAEL BOYLE, Bishop of Cork, to [JOHN BRAMHALL, Archbishop of Armagh].

1661, Dec. 3. London.—You intimate that you have sent your answer concerning the King's letter, which I have not received, nor any other (except of Nov. 22) these three weeks. The conclusion between us and the '49 men we were forced to make upon such terms as we could, being called to give in our papers and wanting your instructions, which we expected many weeks. The Lord Lieutenant concluded the affair, which indeed was not of much significancy in itself in regard the concernments of the Church were modelled after another way than as they were transmitted hither in the bill. They then appeared very vast and big and found opposition too great to be overcome. However, I hope we have now brought them into such a way as will not be disagreeable to you. We have already presented them to the committee and last night I was called in to attend their reading and debate and to answer such objections as they should raise. Their next trial is to be before his Majesty and Council.—Convocation matters.—The alterations in the Book of Common Prayer.—"I am sorry your ill neighbours have been so uncivil to your coach; if your Grace would be pleased to send me the colour of your cloth, the quantity and price, I should endeavour to engage my credit for so much as would recruit that loss."

JOHN PARKER, Bishop of Elphin, to [JOHN BRAMHALL, Archbishop of Armagh].

1661, Dec. 3. London.—"The 2 of this instant I received your Grace's of the 22 of November, and hope I shall not write many letters to your Grace ere I wait on you in Dublin. As to the instructions, we received a full answer, and (I think) satisfactory, for we have more granted than we desired! As to that of the recognition, I should not have mentioned it had not your Grace taken notice of it in your last. Dr. Loftus sent over the recognition, I saw it, and excused himself that he sent it not over with the seal, because it might be too burthensome. It was presented to the Bishop of Cork, who replied he had it sent him before. This not to beget any strife, for we are all good friends, but to assure your Grace that all Dr. Loftus says is not gospel. I hope within ten days to be on my journey."

GEORGE WILD, Bishop of Derry, to JOHN BRAMHALL, Archbishop of Armagh, at Dublin.

1661, Dec. 4. Derry.—I am pleased to find that what I have often complained of, you should also make your just complaint of to me—the want of an experienced Justice of Peace about Derry to ease the Lords Justices at Dublin. But the gentry here are thinly planted, and unless I can obtain young Mr. George Phillips of Limavaddy (who indeed is a very able and

very worthy person) there is not one of them active, though they are all well-meaning.

"How am I bound to your Grace for your advice in Dr. Buttolph's case, and against tripling of benefices! Truly, my Lord, my clergy are the greatest comfort I have here, they are so pious and sober. And however we speed with the present generation of men, I hope I am providing happily for the next growth, by a schoolful of very hopeful boys. Mr. Palmer, our schoolmaster (who came to me lately from England), is so diligent a man, so expert in teaching and so taking with all, that if I can but find encouragement to keep him, I doubt not but within a few years the school of Derry shall have an equal name with the best in Ireland. The very Scots among us, seeing how much their children have profited in a few weeks, begin to love him though an Englishman. . . ."

The Bishops of Ireland to the Duke of Ormonde.

1661, Dec. 6.—Congratulating him on his appointment as Lord Lieutenant of Ireland. *Copy.*

Thomas Fulwar, Archbishop of Cashel, to [John Bramhall, Archbishop of Armagh].

1661, Dec. 7. Cashel.—Thanking him for his letter assuring him of the addition of 300*l. per annum* to his see.

Michael Boyle, Bishop of Cork, to [John Bramhall, Archbishop of Armagh].

1661, Dec. 10. London.—I have received yours of Nov. 25 with the enclosed proposals for an agreement with the '49 men, but I fear they come too late for us to make any great use thereof. I have persecuted Mr. Sharpe for your writings, but he says he has not leisure to look them out. I shall let him know how prejudicial the lack of them is to you, and if I can procure them shall immediately send you them.

John Parker, Bishop of Elphin, to John Bramhall, Archbishop of Armagh.

1661, Dec. 14. London.—It is very ill taken by the bishops at Court, and much worse by the Lord Lieutenant, that Mr. Teate is again permitted to preach in Dublin. I humbly desire you to take notice of it to the Archbishop of Dublin. The bill for the Ulster table is not come to our hands, so that we can do nothing about it. The instructions of the House of Lords are fully done and I expect to come away with them within ten days, and should have come sooner but that the bill of 61 years for the bishops and that of unions and disunions is not finished, which my Lord promised shall be done on Wednesday next. The House of Commons have passed a vote that no person shall continue in a living, or be for the future admitted, that

does not sign the Act of renunciation of the Covenant, and this too with a public declaration in church the Sunday after they are admitted to any living. This day arrived news that Marshal Tureine has surprised General Marceine [Marchin] in Flanders and carried him prisoner into France. 'Tis thought the French have a design upon all Flanders notwithstanding the grace. Our fleet is gone for the Queen.

ROGER BOYLE, first EARL OF ORRERY, to JOHN BRAMHALL, Archbishop of Armagh, at Droghedagh.

[16]61, Dec. 18. 9 o'clock. Dublin.—Bidding him hasten to Dublin, as the physicians say that Lord Mountrath is not like to live till night, and his help and advice is needed.

ROGER BOYLE, first EARL OF ORRERY, to JOHN BRAMHALL, Archbishop of Armagh, at Droghedagh.

[16]61, Dec. 24. "Tuesday morning before day."—The reasons of my Lord Chancellor's and my not acting as Justices are many and such as I doubt not but you will approve. Were there none but this, it might have been sufficient, that what we did is warranted by recent and old precedents, and if we had done otherwise we had had no warrant for it. I question not but reason, law, practice and necessity will warrant the holding of this Parliament. The Council being not yet met, the enclosed letters in yours to me I have not opened, but I dare say that what you think fit, I shall get effected. I do not a little wonder who would bail such offenders by virtue of their Parliament privileges, nor can I imagine who that [member of] Parliament should be that did it. As soon as I know his name, I shall not only join with the Council in rebuking him, but by my particular letter express the lively sense of my resentments at it. For if such insolencies be not punished, 'twill but authorize their continuance. I am very glad the fanatics begin again to relish the name of old Protestant. In all those conversions the first step is the most difficult. They being brought to make it by your piety and wisdom, I will not much doubt the progress in that good work.

THOMAS VESEY to JOHN BRAMHALL, Archbishop of Armagh, in Dublin.

[c. 1661.]—"There is a treatise called mine, which I hear Mr. Ker, sometimes of St. John's, Dublin, after nine years' concealment and constant denial that it was in his hands, hath now in a time picked out for my ruin and his own raising delivered into your Grace's hands. That malice which concealed it so long time, wanted neither leisure nor will to make its own alterations and additions; yet I confess, if it be mine, it hath the blemishes of error (then unseen) and the slips of an erroneous pen, too, too favourable (upon partial and painted misinfor-

mations) to the rough and illegal proceedings of the late army against both King and Parliament. The pleasingness of that fruit of my rash pen to the commissioners' palates in the year 1651 was to me like Adam's eating of the forbidden tree; my eyes were suddenly opened and I saw my nakedness, and sought to cover it by stopping the press, which was ready to go, at the said gents' charge for the most part, and the rest by the willing and offered loan of five pound by Mr. Ker: but I see now, my nakedness must be covered by confession and not by sacrificing the writing to the fire as I intended, which I desire your Grace to do, and that all displacency, old or new, may be consumed with it, against him who is a faint follower of truth and your Grace's servant." *Signed.*

HENRY HAMILTON, second EARL OF CLANBRASSILL, to the LADY GRAHAMS, at Drogheda.

[c. 1661.]—Asking her to use her interest with Mr. Cogill to get the Primate to do the writer justice.

ROGER BOYLE, first EARL OF ORRERY, to JOHN BRAMHALL, Archbishop of Armagh, at Droghedagh.

[16]61[-2], Jan. 4. Dublin.—On the 2nd instant about noon Mr. Keatinge returned and brought us two commissions under the Great Seal of England, one constituting the Lord Chancellor and myself, and the survivor of us, Lord Justices of Ireland; the other impowering us, or the survivor of us, to hold and continue this present Parliament. I hope we shall soon have your help. Lord John Berkley is made Lord President of Connaught.

JAMES BUTLER, first DUKE OF ORMONDE, to JOHN BRAMHALL, Archbishop of Armagh, at Dublin.

1661[-2], Jan. 11. Whitehall.—Desiring him to convey his thanks to the Irish House of Lords for their congratulations on his appointment as Lord Lieutenant. *Signed.*

JOSEPH GLANV.LL to [? GEORGE RUST, Bishop of Dromore].

[16]61[-2], Jan. 20. Cecill House.—*A letter endorsed:* "From Mr. Glanvil to I think Bishop Rust, several queries concerning a future state."

JOHN PARKER, Bishop of Elphin, to JOHN BRAMHALL, Archbishop of Armagh, at Dublin.

1661[-2], Jan. 21. London.—The reason I am not yet on my journey is my stay for the bill for the 61 years for the bishops, the bill of union and disunion of parishes, with the little bill of excise and customs, which I am to bring along with me. As to that of the judges' salaries, I gave you an account of it long since, that it is done according to the vote of the House, the particulars whereof I shall bring.

JOHN PARKER, Bishop of Elphin, to JOHN BRAMHALL, Archbishop of Armagh, at Dublin.

1661[-2], Feb. 6. London.—"It hath pleased God to visit me with a sharp sickness. This is 21 days since it took me and I bless God I begin now to gather strength again, which I hope I shall better employ to His glory for the future and the good of His Church. My Lord, I am alarmed with many murmurings of the inferior clergy from Ireland touching the Ulster table but am able to do nothing in it, in regard the bill is transmitted to that purpose. I humbly beseech your Grace earnestly to press that a bill might be sent over to that purpose, for if it be not done all our agency here will not any way avail the clergy, for we see little hopes of any glebes to be granted them. My Lord, we have many and potent adversaries to deal with, and your Grace will scarcely believe with what strugglings and oppositions poor things are obtained for the Church. I hope within ten days to be able to go abroad to solicit our affairs."

MICHAEL BOYLE, Bishop of Cork, to JOHN BRAMHALL, Archbishop of Armagh, at Dublin.

1661[-2], Feb. 8. London.—I have sent off your papers and evidences. The Bishop of Elphin has been sick near a month but is recovered. The Dean of St. Patrick's has likewise been indisposed but I saw him this morning and he has gone into the country for fresh air. Our great bill was in part reported to the King in Council on Wednesday last. It was approved of with its amendments and ordered to be engrossed for so far, that all possible speed may be made for its despatch while the remaining part is providing for a report. The Irish are extremely unsatisfied with the passing of that part of the bill and put in a petition yesterday to the King in Council, first, that they may have a view of the bill before it be transmitted; secondly, that they may be heard to speak for themselves on the account of the peace of 1648. The former they are denied; the latter is granted and we are bidden before the King and Council on Friday next to answer them. Some persons are very jealous that this may make some change in our whole business or at least enlarge our delay, but I hope it will rather prove an inducement to our future quiet when it is made conspicuous to his Majesty how they themselves broke that peace.

JOHN PARKER, Bishop of Elphin, to JOHN BRAMHALL, Archbishop of Armagh, at Dublin.

1661[-2], Feb. 15.—Concerning the Irish bills, delayed by his sickness, and "foul clashing" between the two Houses about the bill for ministers.

GEORGE WILD, Bishop of Derry, to JOHN BRAMHALL, Archbishop of Armagh, at Dublin.

1661[-2], March 7. Derry.—"Since winter storms and frequent adjournments have kept me thus long out of Dublin, I thank God it was my happiness to be this week at Derry, where I saw a resolute anti-presbyter judge, an episcopal grand jury (thanks to the Under-Sheriff for it), a loyal bench, a face of the country not the like seen these twenty years, and only a peevish, obstinate and ignorant knot of schismatics at the bar. . . ."

MICHAEL BOYLE, Bishop of Cork, to JOHN BRAMHALL, Archbishop of Armagh, at Dublin.

1661[-2], March 8. London.—I cannot yet assure you the particular concerning the Church included in the great bill will be passed at the Council Table, it having not yet been reported to his Majesty; but it being past the committee I have more than hopes that we shall with little difficulty get through with the greatest part of it. Some accidents there have been which have not been very agreeable to our employment here. There have been divers attempts made for several of the impropriations of that kingdom by near relations of persons of quality residing there; but having notice thereof I have endeavoured to prevent their success, and as yet I cannot hear that any that is considerable has got through. That which was most likely to injure us was a petition presented by Dr. Charles Vaughan for several impropriations upon the account of his brother's arrears. He knew very well that it was part of our business here to gain them for the Church, which made his conduct more strange to me. This he carried so privately that I had not the least jealousy thereof until Mr. Secretary Nicholas acquainted me therewith and that he had brought a letter ready drawn up unto him to gain his Majesty's hand to it; whereupon the Lord Lieutenant and committee put a stop upon it. In case any letters of that nature be brought over unto you, I shall beseech you to obstruct any proceeding upon them what you may until the coming over of the bill. I hope we shall not be detained much longer. One fortnight more will probably give us a despatch, "but multitude of business throngs in so fast upon the heels of one another, that we cannot promise ourselves any certainty in the time of our despatch."

JOHN PARKER, Bishop of Elphin, to JOHN BRAMHALL, Archbishop of Armagh, at Dublin.

1661[-2], March 11. London.—"I received your Grace's of the first instant, and am most heartily glad of your recovery, hoping that God will preserve you for the good and settlement of that Church. The bill of unions and the 61 years are passed and engrossed. I stay but for the sealing of them, which will be on Friday or Saturday, and then I march towards Ireland.

The great bill of settlement is engrossing daily; the proviso for the Church is pretty good, though not so good as I hoped before I left Ireland, yet much better than I thought since I came to England. The Act of Uniformity will certainly pass; to-morrow it comes to the Houses. I have here sent your Grace his Majesty's speech, which has strangely endeared him to both Houses. The Queen is expected here every day. News we have not much, only this I will assure your Grace, that Corbet, Baxter and Okey are taken at Delph in Holland. The Hollanders gave their warrant to apprehend them. The King's agent (Downing) sent the news of it this day to Court, and that he had them in his custody, and in order to their sending hither had put them aboard the *Black-a-Moore* frigate. Mr. Thorndike has lately published a book, wherein he maintains that the adoration of the Host in the Sacrament is no idolatory, with many worse tenents. It has given much offence. I shall send it to your Grace as soon as I can. I humbly desire your Grace to move the Council to send a frigate for me to Hollyhead."

GEORGE WILD, Bishop of Derry, to JOHN BRAMHALL, Archbishop of Armagh, at Dublin.

1661[-2], March 11. Strebane.—" . . . I have accompanied the acute and episcopal Sir Jerome Alexander in his circuit through the three counties in my diocese, in all which he behaves himself most worthily and as a true champion for the Church. At Lifford and Strebane we are no less than three bishops upon the bench, yet my Lord of Raphoe is so lame with the gout and a dangerous hurt in his leg by a kick of an horse, that I fear he will scarce be able to come to Dublin before Easter, as by God's blessing (in obedience to your Grace's summons) I intend to do unless I take short at Drogedagh and keep the Paschal there.

"My Lord, I believe I shall not find my Presbyterians of Derry much softened by the judge's most judicious censures, but those here at Strebane do divers of them court me already, and to prevent the indictments which I have threatened to put in to-morrow they have been all with me this day and promise conformity. I fear nothing but the Presbyter-Mac-Johns, who now hide out of the way and return to their conventicles as soon as the judge is gone hence. But I shall endeavour with my own court to spoil their interregnum till the next half year's assize, when if we have but the second part of Sir Jerome or such another I doubt not but the Council Board shall hear indifferently well of these parts. . . ."

THOMAS FULWAR, Archbishop of Cashel, to [JOHN BRAMHALL, Archbishop of Armagh].

1661[-2], March 12. Cashel.—Defending himself against a charge of having sold his jurisdiction.

THOMAS FULWAR, Archbishop of Cashel, to JOHN BRAMHALL, Archbishop of Armagh.

1661[-2], March 19. Cashel.—Expressing pleasure that he has satisfied his Grace in the matter referred to in his letter of March 12.

HUGH MONTGOMERY, first EARL OF MOUNT ALEXANDER, to [JOHN BRAMHALL, Archbishop of Armagh].

1662 [1661 *in error*], March 25.—"I received your Grace's letter of the 8th inst., with the vote of the House concerning my Lord Brittas enclosed; as also several other votes of the House sent the post before and some since by Mr. Keatinge. I do heartily wish the House had made choice of some person better able to do them service, though I am sure they could not have pitched upon any more willing or who shall be more ready to supply the defect of his ability by his extraordinary care and diligence in observing their commands. I have waited on my Lord Lieutenant with the vote of the House concerning provisoes, and this night attending the committee of the Council I desired and was in expectation to have been called in, but at length received this answer from his Grace, that the committee had considered of that and the rest of the aforementioned votes given me in charge by the House to present and should report their opinion therein very speedily to his Majesty, withal adding that they had now finished the bill of settlement so far as it lay on them to do, but how far their Lordships concur with the sense of the House in these votes I am not as yet able to give your Grace an account. I have once had an opportunity of moving my Lord Lieutenant in your Grace's own concern, whereof since I cannot as yet give your Lordship so satisfactory an account as I desire, I shall not be wanting to take all occasions for the effecting of it." *No direction.*

DOCTOR EDWARD LAKE to JOHN BRAMHALL, Archbishop of Armagh.

1662, April 4. Westminster, in the little Cloisters by the Abbey.—Money matters.

Postscript.—"We say here the Queen is to embark on Monday next, if the weather serve. Here are preparations for her, though 'tis said she shall stay a month or two at Hampton Court before she come hither. I doubt not your Lordship hears of the great contest in the Lords' House about the Act of Uniformity. The Lord Chancellor especially, with the Bishops of London, Worcester, Exeter and Norwich, with the Presbyterian party in the House, urging that the intruders, as we justly called them, might not only hold their livings but be by his Majesty dispensed withal (so many of them as he shall think fit) from wearing the surplice or using the cross in baptism, with some restriction and limitation of doing it by

others. The Bishop of Durham and the Earl of Bristol stoutly opposed it, with some other bishops and lay peers, but it proves they must have it, as the committee have reported it to the House, and this day my Lord Chancellor with others urged farther that whereas in the Act they were to renounce the Covenant, that too might be dispensed with, indeed expunged out of the Act. And this he moved before, and yesterday it was committed to a committee of bishops to consider of the Covenant, whether there were anything in it that was good which ought not to be renounced (for that was the plea, that there was something good in it, that ought not to be renounced) but they certified this day that they find nothing in it but what ought to be renounced. Yet the Lord Chancellor and others earnestly urged it might not be renounced, but being put to the question, 39 voted to let the change continue for the renouncing of it and 26 were not content, so the bill is ordered to be engrossed and to be read again on Monday morning. Whether it will beget some new debate then or no, 'tis uncertain, some conceiving the design is to spin out time, that it may not pass this sitting, which is thought will be but a week or two, and then be adjourned to Michaelmas Term. The Presbyterians in the city and country joy much at it, and in their pulpits cry up the House of Lords, that now it is become the Lord's House, and the heretofore darling House of Commons suffers now a preterition, I had like to have said a reprobation. God turn all to the best. We wonder here, but *omnis admiratio ab ignorantia.* Yet we guess something. If it be transmitted to the House of Commons, how it will be carried there is doubted."

PATRICK PLUNKETT, ninth LORD DUNSANY, to JOHN BRAMHALL, Archbishop of Armagh.

1662, April 7. Kelleen.—Petitioning for his pension, for which the Treasurer has referred him to his Grace, to be paid out of the poll money of the clergy.

GEORGE WILD, Bishop of Derry, to JOHN BRAMHALL, Archbishop of Armagh, at Dublin.

1662, April 26. Johnson's Court, Fleet Street.—" In hopes your Grace will not take it amiss that my letters come so thick upon you (this is my third since I left Dublin) these are to let your Grace know that I was hugely pleased to hear your name mentioned on Thursday last with honour in Westminster pulpit by the Bishop of Chichester, who preached there at the funerals of the Bishop of Winton; the solemnest funerals that have been known of any prelate in these last ages. At which there were present almost all the bishops in their whites, and most of the loyal clergy. Our numbers were great, yet short of what was the night before of Quakers and Fifth Monarchy men at

Okey's. About 5,000 met in the New Gate Market, who it seems were so formidable that one of the Sheriffs of the city came and dispersed them.

"I am sorry to find of all parties here so many and great discontents. As far as my intelligence informs me, the House of Commons are ready to send up the bill without the provisoes, giving this reason to go along with it, that they cannot in justice indulge some tender consciences and not all; and to indulge all were to destroy the Act of Uniformity.

"We say here likewise that all the clergy shall not only abjure the Covenant, but they that took it in the very place and church where it was taken by them.

"His Majesty received me very graciously, telling me he heard I had been fighting with beasts at Ephesus, and I think my business is very well approved of both by my Lord Chancellor and my Lord Duke of Ormond. But till his Grace's return from Portsmouth I can make very little progress in it. Your Grace's health is very much and with great longings inquired after and prayed for by all.

"My Lord, I have as your Grace desired me minded the Dean of St. Patrick's about your chariot, which he is careful to provide. But if your Grace expects to have your horses from hence, I believe you will find them very dear, especially for six weeks or two months, all persons having need of good horses either to wait upon the Queen to London or my Lord Duke of Ormond to Ireland."

ROGER BOYLE, first EARL OF ORRERY, to JOHN BRAMHALL, Archbishop of Armagh, at Droghedagh.

[16]62, April 29. Dublin.—This day at 2 o'clock the Bishop of Corke landed with the bill of settlement and our other bills, so that now we shall have work to do, and good work too. Your absence had like to have thrown out the declaration concerning the executing the statute of 2° Eliz., but we have now agreed on it.

MICHAEL BOYLE, Bishop of Cork, to JOHN BRAMHALL, Archbishop of Armagh, at Drogheda.

1662, May 5. Dublin.—The bill of settlement is ready to be given in to the House of Commons, but I suspect we shall want votes to carry it in the House of Lords unless we can place the proxies of some lay lords into the hands of the bishops; whereof you can give the best understanding, for if I am not mistaken I heard you say that you in your own particular had several proxies in Lord Strafford's time.

ROGER BOYLE, first EARL OF ORRERY, to JOHN BRAMHALL, Archbishop of Armagh, at Drogheda.

[16]62, May 5. Dub[lin].—I believe there is some enchantment in our declaration for putting in execution the statute

of 2° Eliz., for when it was printed, and ordered to be published, the Lord Chancellor ordered the printer not to let any be delivered out. I have not yet learned the cause, but if God give me health, shall do it to-morrow. Hasten up hither; for now our bills are come, we shall every day for them, as well as for other things, stand in need of your help and advice.

GEORGE WILD, Bishop of Derry, to JOHN BRAMHALL, Archbishop of Armagh, at Dublin.

1662, May 13. London.—"I received your Grace's from Drogedagh of the 3 instant and have endeavoured punctually to solicit according to the rules you have given me.

"As to the *salvo* for lands, I would have some such clause as this to be inserted at the close of the Londoners' patent.

> "*Salvis juribus, privelegiis, terris, tenementis, piscationibus, aedificiis, haereditamentis et commoditatibus aliis quibuscunque quae antehac aliquo tempore Joannes nuper Episcopus Derensis vel praedecessores sui habuerunt vel gavisi sunt; utpote quae prius concessa fuerunt Episcopo vel Episcopis Derensis, per literas patentes Regis Jacobi vel Regis Caroli j^mi^ et Regis Caroli nunc.*

"Which proviso is well approved of by my Lord Chancellor, the Bishops of London and Winton, the Attorney General and others, yet I much question whether I shall get it in, by reason of my Lord Duke's long absence from London in waiting for the Queen's coming. However, my counsel tells me, the Londoners' former patent being forfeited, my patents will take place in right before this new one of theirs. As for securing advowsons I do much approve of your Grace's medium, since I begin to despair of my design, which was, that the clause might likewise have been inserted for the King.

> "*Exceptis et reservatis sibi et successoribus suis, omnibus advocationibus, etc.*

"Lastly, that which your Grace would have me to make my chief care, about the English interest and garrison, I obtained liberty to discourse it with his Majesty, who refers it to my Lord Duke. But my Lord Chancellor told me, this was a matter of state necessary to be done, but with great cautel and privacy.

"I have had the opportunity to speak with very few of the citizens as yet, whom I hope to induce to be kind in some respects to their own nation at Derry.

"When I see my Lord of Winton I shall mention that clause in your letter concerning the Bishop of Killaloe. My Lord of London remembers him kindly to your Grace, who hath importuned me to preach his turn for him on Sunday next, Whitsunday, at St. Paul's.

"My Lord, I begin to be already aweary of London, yet must not stir hence till my Lord Duke's return from waiting

upon the Queen, who hath now been a full month at sea, and though every morning at Court she be landed, yet every night hitherto it hath been contradicted. The Duke of York and my Lord of Ormond are gone to sea to meet her; and within this two hours news is come they have been aboard with the Queen.

"This day, the Lords' House sat close upon the militia, but have not yet finished the Act. 'Twill be done to-morrow; and then presently a proroguing follows.

"I am exceeding glad our Irish Declaration was out before the English Act for Uniformity. And now the Parliament here is excellently providing the cut off [of] one of the schismatics' and rebels' best prop and engine, the press, by securing and fencing it from bold, impudent pens. I hope they will in time secure the pulpit too."

CHARLES II to the DUKE OF ORMONDE.

1662, June 7. Hampton Court.—Warrant to settle on Thomas Bramhall, esquire, son and heir apparent of the Archbishop of Armagh, ecclesiastical forfeited lands belonging to the see of Armagh, to the yearly value of 500*l.*, to hold to such uses as the Archbishop shall appoint. *Copy.*

Thomas Bramhall had been created a baronet on May 31.

SIR GEORGE LANE to JOHN BRAMHALL, Archbishop of Armagh, at Dublin.

1662, June 7. Whitehall.—To-day I moved my Lord in your concerns and have direction to procure the despatch thereof to your satisfaction. Mr. Kerr is to have the deanery of Ardagh. My Lord commands me to tell you that the King desires you to send him the Plato you mentioned in one of your letters.

GEORGE WILD, Bishop of Derry, to JOHN BRAMHALL, Archbishop of Armagh, at Dublin.

1662, June 10. London.—Irish church affairs.—"As for news, the Queen hath been feverish of late but is now pretty well.

"Lambert is likewise found guilty, though he behaved himself with much more modesty than Vane, who called for counsel very much when it was too late, and to whom the Solicitor smartly replied, he did not know what the heads above Westminster Hall might do, but he was sure there was never a head within the hall would be for him. To-morrow they are to receive their sentence. It is talked dubiously concerning Lambert, because he submitted; which Vane did not; perhaps because he feared if he should scape the execution, he should be left out of the Book of New Martyrs which is now printing at Amsterdam.

"The Presbyterians preach nothing but persecution and dangerous doctrines. They are busy about Exeter. A gentleman of note is come from thence post, and gone [this] day to the King. They are very hardly drawn to pray for the King as Defender of the Faith. — Manton's way of drawling on Sunday last was thus —— King of England, etc. —— why! ah —— Defender of the Faith ——. To make your Grace a little merry, I wish you heard my repeater to nose and act him!"

GEORGE WILD, Bishop of Derry, to JOHN BRAMHALL, Archbishop of Armagh.

1662, June 17. London.—Irish church affairs.—"I shall send your Grace no other news from hence than what I heard the King say on Sunday to the Earl of Latherdale, that now, by gathering up and piecing together the papers which Sir H[enry] Vane tore upon the scaffold, they had found out the father and mother of the Covenant, which was Argile and himself. By telling the people this, if the trumpets had not silenced him, he meant a piece of sedition, to unite the Presbyterians and the Congregationalists against the present government."

ROBERT PRICE, Bishop of Ferns and Leighlin, to JOHN BRAMHALL, Archbishop of Armagh.

1662, July 5. London.—Yesterday I waited upon the Duke of Ormund and had the opportunity of some discourse. Two things he seemed to insist upon: that none must be continued in the army that will not frequent the church and public prayers, and in this he would expect from the bishops to be advertised what omissions they observed, that all such persons might be removed. To this I humbly offered, that if he would go over furnished with money to pay arrears, the work would be easy, otherwise it must prove difficult. The next was that for the better planting of the country he thought it necessary to allow those they usually call congregational men some more indulgence than the law does, some very considerable merchants of London having offered to bring over their stocks and wholly employ them there, if they may obtain that favour. But he added that he would advise with the bishops and be very much led by their judgments, especially your Grace's. "All the reply I could make to this was, that if they were peaceable people that would give no disturbance either to Church or State, the indulgence might be allowed of, but for such as are too much in love with factious principles (I meant the Presbyterians) they were a restless generation, and no other way to be managed but by the coercion of laws. His Grace goes this day to Hampton Court, where he continues no longer than till Sunday in the evening and then returns to prepare for his great removal. His household goes forth next Tuesday, but his Grace follows

not until the latter end of the week or the beginning of the next. When I shall have the honour to attend his Grace next I shall mention the letter your Grace writes of, which I find would be very acceptable here. All the news this place affords is about the besieging of Dunkirke, but the Duke of Albermarle makes slight of it. My Lord of Peterborough is preparing for Tangier, who doubts not to force the Moors to a peace and to allow him larger quarters. The King of Spain we say is very much worn with his disease and not likely to turn over many glasses."

WILLIAM FULLER [Dean of St. Patrick's] to JOHN BRAMHALL, Archbishop of Armagh, in Dublin.

1662, July 12.—By this time I hope you have received your coach. Your livery cloth I am confident is as good as can be worn of the price, being but 12*s. per* yard. What I have exceeded in the rest, I doubt not but you will pardon when you see the ornament and find the goodness of it. My Lords of London and Winchester have acquainted you with my success at the Council Table concerning Mr. Fernesby's proviso, for so my Lord Lieutenant styled it. Mr. Fernesby I very well understand, and his design. The church interest I shall prefer before my private, so that Mr. Fernesby shall not justly complain of my severity, nor my successor of my indiscretion or avarice. By this post you will receive twenty sheets more of the Common Prayer Book. The bishops here think the Church of Ireland under your care at this time, and my Lord Lieutenant's more than ordinary favour, to be more happy than this of England, where the rich Presbyterian lay party and the violent, cunning Presbyterian church party flatter themselves with great hopes that a war will bring upon his Majesty a necessity of indulging their consciences to obtain the assistance of their purses.

JOHN CROOKE to JOHN BRAMHALL, Archbishop of Armagh, at Dublin.

1662, Sept. 2. London.—"I received your Grace's letter just now by your servant Walker. For the Common Prayer Book, it will be hastened to be done for the Church's use. For that part of your Grace's letter about Sir George Lane, you are pleased to call it my fault, it is not fit for me to dispute what is his or mine error: but this I am sure, that the greatest man either in England or Scotland never did so much as meddle in any such thing as concerned the patent of the King's printers, and I am certain the King's printer for England is like to get no less than six or 7,000*l.* by statutes and other things and none saith to him, Why do you so? But this indeed is my fault that furnished the State of Ireland with what they had not, and yet must use: I did not consider what place I furnished, that was so far from reward that it must be an evident loss.

Had there be any example that any man in my position either for time past or present had been so used, I confess I could have borne it: but if I speak for my right, Sir G[eorge] L[ane] hath no cause to find fault with me, except might must be the end of controversy. Had I known that, I should have been wiser. But the bargain being made with Sir George, I wish he perform his part. The first part of it I hear he hath not done, which was to pay 50*l.* down. But why do I complain against such a person that may do as he pleaseth, only the suffering person will complain.

"But to end all in a little news, the Presbyterians did encourage one another by letters all England over to forbear subscriptions in hope of indulgence from his Majesty, and did petition for it, but the Lord of London did appear on Thursday last at the Council Table, which put that hopes [*sic*] at an end, and left the rich Presbyterians to live on their moneys and lands, and the poor young fellows to complain and ask what they shall do, who I think will be in a sad condition for want, who see their error is discovered to them, which in all their sermons was of the departing of the gospel, thinking there were not ministers in any kind to supply their rooms, which happened so contrary that with us in London all the churches were supplied, and that with no ordinary persons, and more were ready had there been more churches in the same condition. And this is not all, for I am informed some of them are like to suffer deeply for petitioning the King to break a law.

"The King and Council have had lately some information which hath caused much watchfulness in this city and care. On Friday night, Saturday night and Monday night last, many citizens were fetched out of their houses and imprisoned to a large number, and men of estates which I should name, but that their names are unknown to your Grace, only Dr. Peter Mews his brother, one of Titchburne's colonels; which the doctor, who remembers his service to your Grace, is not sorry for; and Needham, that writ *Politicus*, and many others which I hope by this understand their folly. I understand that not only this Act of Settlement hath caused trouble, but that the Act of Tonnage and Poundage is carried to Bladen's press, but what I cannot help I must bear."

GEORGE HOLLAND to JOHN BRAMHALL,
Archbishop of Armagh, at Dublin.

1662, Sept. 5. Londonderry.—Thanking him for nominating him to the deanery of Derry.

SIR EDWARD LAKE to JOHN BRAMHALL,
Archbishop of Armagh, in Dublin.

[16]63, June 4. Fleet Street.—Asking his advice as to how to set about to obtain the mastership of the Rolls in Ireland, promised him by Charles I.

XIV. PETITIONS, ORDERS AND MISCELLANEOUS DOCUMENTS MOSTLY RELATING TO THE EPISCOPATE OF JOHN BRAMHALL.

(i) Petitions and Orders.

Petition of John Bramhall, Bishop of Derry, to the Lord Deputy and Council.

1634, Aug. 5 [*date of order*].—Showing that whereas the quarter and half of land called Crefan Dromineny and Courtneylogh adjoining the bishop's house at Derry was ever reputed as mensal or ancient demesnes and found in the great office to be no termon or erenagh land but part of the demesnes of the bishopric, and so enjoyed successively by Bishop Mongomery, Bishop Babington, Bishop Hampton, after Primate of Armagh, and Bishop Tanner, who kept his "deyry" upon them, and so were found mensal by Bishop Downham, in whose patent they were granted not as censual but as demesne; and whereas, upon the settling of the bishopric by the consent of the last bishop and his tenants, with the approbation of King James, they were ordered to remain as demesnes; and whereas the petitioner's predecessor had no power to lease any lands found to be mensal in the said office, or reputed or called mensal, longer than his own life, nor any lands belonging to the bishopric for threescore years oftener than once in his time, and that upon condition of plantation merely (which here had no place); and whereas the bishop cannot subsist or keep house at Londonderry, which ought to be the principal place of his residence, without the said lands; and whereas all the lands now left to the bishopric for demesnes do not exceed the value of 30*l.* the year, scarce sufficient to pay for the only weeding of the gardens; and whereas all the provision of rent corn, beefs, muttons, porks are taken away and commuted into mean sums of money far inferior to the true value intended, so that the bishop must depend solely upon his demesnes for the maintaining of his house: yet by the subtle persuasions of some ill-affected persons, making their own advantage of another's necessity, by whose cunning the otherwise pious and good intentions of the petitioner's predecessor were deluded, these very lands, as all the other parts of the bishopric, were not only leased by him for threescore years at small rents, but within a few days before his death, in the time of his weakness, were renewed for the said term to Sir Thomas Staples for a very small fine, and the lease confirmed or pretended to be confirmed by the present Dean and Chapter, not freely as

it ought but upon a precedent contract for pecuniary respects, as the petitioner will make appear: and therefore praying that they would order Sir Thomas Staples and his tenants to appear before them within ten days and, the cause appearing to be as alleged, would order the petitioner present possession, he promising never to alien the lands nor take fines during his incumbency "nor to looke with one eie upon himselfe and another upon his successor."

Underwritten with an order in the terms prayed for, signed: "Wentworth; Ja. Armachanus; Ran. Tuam; Moore; J. Claneboye; Conway and Kilulta; R. Ranelagh; R. Dillon."

Endorsed: "The Bishopp of Derrie's petition. 5 Aug. 1634."

PETITION of JOHN BRAMHALL, Bishop of Derry, and EDWARD ROWLEY, esq., to THOMAS, VISCOUNT WENTWORTH, Lord Deputy General of Ireland.

[1634, second half.]—Showing that, whereas George, Bishop of Derry, deceased, by his indenture dated June 15, 1632, leased to William Gage, Tristram Beresford and George Cary, esquires, in trust for the petitioner Edward Rowley, sundry ballibetaghs, quarters, balliboes or precincts or territories of land for 60 years at the yearly rent of 140*l.*, the said Edward is pleased to surrender the said lease and, relinquishing two quarters of the said land, called Dessert Martin and Killicronohan, containing eight balliboes or town-lands, to accept a new lease of the rest of the premises from the said bishop for 59 years from May 1 last past at an increased rent of 200*l.*: and therefore praying that they [*sic*] would approve and confirm such agreement and give leave for the granting of the new lease.

Underwritten: "I pray lett this be draune over againe, and only olter in itt for Edward Rowley write John Gage the younger esq.;" *and in another hand:* "To remember to preferr a peticoun in Mr. Rowley's name for the getting in of the mesne tenants leases."

Endorsed: "Mr. Edward Rowley's peticoun to Lord Wentworth Deputy of Irland about som land which he had formorly taken of of [*sic*] the reverd George latte Ld. Bishop of Dery."

PETITION of RICHARD, EARL OF WESTMEATH, to the LORDS of PARLIAMENT [in England].

1640[-1], Jan. 29 [*date of order*].—Showing that the petitioner on or about March 17, 1636[-7], did compound and agree with the Lord Deputy and others of his Majesty's Commissioners for remedying Defective Titles for new letters patent to be passed to him and his heirs of his whole estate, rendering

to his Majesty the yearly rent of 277*l.* 11*s.* 6*d.* and other reservations, of which 79*l.* 16*s.* 8*d.* was a new increase of rent, whereupon the petitioner prepared to pass such patents, but was hindered therein by some pretence moved by the Bishop of Derry and seconded principally by Sir George Ratclife, upon whose solicitations the said Commissioners on or about June 20, 1637, ordered that the petitioner should not be admitted to pass by new letters patent eleven impropriate rectories of his estate lying in co. Cavan, worth 500*l. per annum*, and contained in his former order of composition, and yet would allow no abatement of his rent, and further ordered (having no power by their commission to do so) that the petitioner should surrender and grant unto his Majesty all the said rectories and the tithes thereof; by which proceeding the petitioner was outed of his possession of the premises, which have since been enjoyed by the said bishop; for all which the petitioner has sought relief in Ireland but found none: and therefore praying that he may be restored to his former possession and the proceedings complained of declared void, the said bishop making satisfaction to him for the mesne profits and his expenses in the premises.

Underwritten: "*Copia vera* for the Lord Bishop of Derry."

Endorsed: "The copy of the Right Hon. Richard Earl of Westmeath his petition exhibited to the Upper House of Parliament in England."

Attached is a copy of the order made in the House of Lords, Jan. 29, 1640[-1] [Journals of the House of Lords, *iv*, 14] *with a copy of an order of the Committee (to whom the matter had been referred), dated Feb.* 3 *following, requiring the attendance of the said bishop and Sir George Ratcliffe upon March* 20 *next.*

PETITION of DR. JOHN LESLEY, Bishop of Raphoe, to CHARLES II.

1660, Dec. 5 [*date of order*].—Praying that he might be satisfied for all his sufferings and losses. *With order* referring it to the Lord Chancellor of Ireland and the Earl of Orrery, and their report. *Copies. All calendared in* Cal. S.P. Ireland, 1660-1662, *pp.* 118, 119. *Together with:—*

CHARLES II to his COUNCIL in IRELAND.

1660, Dec. 14. Whitehall.—Reciting that he had received abundant satisfaction of the actings and sufferings of the Bishop of Raphoe upon the account of his father as well as upon his own, and of his great expense of building the Castle of Raphoe, "which being for the good of his successors in that diocese is so exemplary a work of piety that it ought not to end in the particular prejudice and ruin of him and his, but rather signally to be countenanced by some reward and mark of our favour," and of his raising, maintaining and arming a company

of foot at his own cost for his service in Ireland in the year 1641, for which he never yet received any satisfaction. Requiring them to recommend to the next Parliament in Ireland the eminent deserving of the bishop, that they would reward him in what manner they should think fit. *Sign manual. Countersigned by* Sir Edward Nicholas. *Copy.*

Cf. Cal. S.P. Ireland, 1660-1662, *p.* 694.

PETITION of the MINISTERS of DUBLIN to the LORDS JUSTICES and COUNCIL of IRELAND.

[1661, June 3.]—Showing that there is no settlement made by law for their maintenance, whereby the petitioners have laboured under great discouragements for want of a livelihood, and are like so to continue: and therefore praying that in this present Parliament something may be proposed and enacted for the yearly maintenance of themselves and their successors, whereby the worship and service of God may be advanced and the petitioners encouraged to go on comfortably in the work of their ministry.

Signed: "Wm. Lightborne (prebend of St. Audöens); James Vaughan (of St. Nicholas without the walls); Tho. Bladen (of St. John's); John Parry (of St. Nicholas within the walls); Dan. Neylan of St. Mickam [Michan's]; Tho. Seele of St. ———[1]; John Crookshanke of St. Bride's; Thomas Burton (of St. Keavans)." *The words in brackets have been added in the hand of John Crookshanke, one of the petitioners.*

Overleaf: Reference to the Archbishop of Armagh, the Lord Baron of Santry and the Lord Chief Baron of his Majesty's Court of Exchequer to prepare a draft of a bill for the maintenance of the petitioners and their successors and to present the same at the Council Board to be further considered. *Signed:* "Mau. Eustace, Canc.; Orrery; Mountrath; Montgomerie; Massereene; R. Coote; He. Tichborne; J. Temple."

Endorsed: "The petition of the Ministers of Dublin. June 3, 1661."

PETITION of the ARCHBISHOPS, BISHOPS and CLERGY of IRELAND to CHARLES II.

[? 1661.]—Reciting the unhappy condition of the rural clergy in Ireland, and praying that he will establish on them those appropriations which are yet in the Crown undisposed. *Undated draft, with corrections in Bramhall's hand.*

ORDER of the LORDS JUSTICES and COUNCIL of IRELAND.

1661[-2], March 22. Dublin.—Order that (on the request of the Deans and Chapters of Christ Church and St. Patrick,

(1) Seele, afterwards Chancellor, Dean and Precentor of St. Patrick's, was prebendary of Rathmichael.

Dublin) the Archbishops of Armagh and Dublin, the Bishop of Meath, the Master of the Rolls and the Secretary, or any three or more of them, shall examine the persons concerned and consider of the renewal of the order of Nov. 28, 1633, whereby (1) no cellar or vault under the Cathedral Church of the Holy Trinity, Dublin, nor any house adjoining, should be employed as a tavern, tippling-house or tobacco shop; (2) the Archbishops of Armagh, Dublin and Tuam, or two of them, were to view all buildings and houses erected within the memory of man against the walls of the said church, which either stopped up the lights, disgraced and darkened the same, endangered the fabric, or any way annoyed the said church, as likewise all encroachments upon the said church and churchyard within memory as above-said, and upon their certificate all such new erections and encroachments were to be removed. 11 *signatures*.

ORDER of the LORD LIEUTENANT and COUNCIL of IRELAND to the ARCHBISHOPS and BISHOPS of IRELAND.

1662, July 30. The Council Chamber in Dublin.—Order requiring them to dispose of the impropriated forfeited tithes and glebes, with the appurtenances, within their several dioceses for one whole year commencing May 1 last past as they shall think fit, giving in their bonds to the Auditor General to pay to his Majesty, his heirs and successors, such rents as by the Act for the Better Execution of his Majesty's Gracious Declaration for the Settlement of Ireland were appointed to be paid by the clergy for the same, excepting only such as by particular order from the Board have been already disposed of, which are to be discounted from them; for which purpose the Auditor is to provide each with a list of the particular impropriations within his diocese. Such of the archbishops and bishops as have not already paid into the Exchequer the rents of the said tithes for the previous year are to do so forthwith before giving in their bonds.

And what persons soever have collected or received any part of them on the particular orders from the Board are to account to the said archbishops and bishops for such part. The order to be put in due execution notwithstanding any former order setting such tithes for the said term.

Signed at the head: "Ormonde"; *and at the foot:* "Mau. Eustace, Canc.; Jo. Armachanus; Ja. Dublin; Ossory; Kildare; Mount Alexander; Drogheda; Anglesey; Hen. Midensis; Joh. Clogher; Jerem. Dunensis; W. Caulfeild; R. Coote; H. Tichborne; Ja. Donelan; J. Temple; Fra. Hamilton; Robert Forte; Art. Forbes."

Endorsed: "An order from the Lord Lieut. for the Archbishops and Bishops to receive impropriate tithes."

PETITION of TOBIAS POINTS, esq., and his under-tenants living upon the lands belonging to the territory of Moynterheny, co. Armagh, to the DUKE of ORMONDE, Lord Lieutenant General of Ireland, and the COUNCIL.

[? 1662 *or* 1663.]—Showing that "the highway leading from the county of Armagh to the county of Down upon the river of the Gline commonly known by the name of Staroagh and Points his pass is a madeway of a causeway and a timber bridge, and every year out of repair by reason of several droves of cattle which every summer are driven over there to the great prejudice of the petitioner and the said tenants both in destroying their pastures and breaking down the aforesaid bridge and causeway:" and therefore praying for an order empowering them to demand and receive moderate customs for every herd of cattle passing that way towards the repair of the said bridge and causeway, the petitioners obliging themselves to keep them in good repair.

Endorsed: "The humble peticon of Tobias Points esq. and his undertenents on the territory of Moynster-Henny in the county of Armagh."

PETITION of WILLIAM, Bishop of Clonfert and Kilmacduagh, to the LORDS of PARLIAMENT [in Ireland].

[1663, Feb.-April.]—Showing that Geoffrey McCooge, John O'Duan, Brian O'Lynsy, Robert Illy, Hugh the Welshman and Marmaduke Hilton with others unknown on or about Dec. 22, 1662, forcibly entered upon the parcel of land called Gortbellenaha, part of the demesnes of the cathedral church of Clonfert, and did beat, wound and fright away out of the possession of the said land the tenants of the petitioner: and therefore praying that they would summon the said persons to appear before them and answer to the premises. *Signed:* "Will. Clonfertensis et Duacensis."

PETITION of WILLIAM, Bishop of Clonfert and Kilmacduagh, to the LORDS of PARLIAMENT [in Ireland].

[1663, March ?][1]—Showing that about the beginning of January, 1662-[3], John Eyre, esq., one of the Justices of the Peace for co. Galway and a member of the House of Commons, upon what pretence the petitioner knoweth not, accompanied with divers persons unknown, with force entered into a house at Clegernagh in the said county (being one quarter of land of which the Bishops of Clonfert, beyond the memory of man, have been severally seised in their demesne as of fee, in right of the see, and of which the petitioner has been actually possessed

(1) A petition of the bishop's was read in the Irish House of Lords on March 30, 1663, when the Primate informed the House that the parties were agreed. *Journals of the House of Lords, Ireland*, i, 374.

by preception of the rents and profits since the King's restoration), and finding Daniel Freghra, John McCluyn and Murtagh Lorkan, the petitioner's tenants in the said house, about their household and lawful affairs forthwith drew out his sword, commanded them to go out, and gave the said Daniel one wound on the head, whereof he languished a long time afterward, dragged him out of doors and cried he got possession; and that through misinformation the said Mr. Eyres obtained an order of the House of Commons to quiet him in possession of the premises, which the Sub-Sheriff of the county, Mr. Roger Hughes, performed by breaking open a house on the premises and delivering possession to Mr. Eyre's servants about the 11th of this instant March, who are yet in the house committing insolent waste to the great terror of the petitioner's tenants, who are preparing to run away and leave the said lands waste: and therefore praying that they would issue an order for the quieting of the petitioner's possession, and further make known to the House of Commons the illegal and unexemplary proceedings of the said John Eyres. *Signed:* "Will. Clonfertensis et Duacensis."

Endorsed: "The Bishop of Clonfert's petition to the House of Lords about some lands belonging to his see."

ORDER of the IRISH HOUSE OF LORDS.

1663, April 14.—Answer to a petition.

Endorsed: "The Sheriff of the county of Meath to put the Lord Primate Bramhall into the possession of the several parcels of land belonging to the manor of Belegree, being then witheld from him by one Edmound Harkett [*recte* Hackett]." *True copy.*

ORDER by the LORD LIEUTENANT and COUNCIL of IRELAND.

1666[-7], Feb. 18. The Council Chamber in Dublin.—Reciting a previous order made by the Board, Aug. 15, 1666, upon the petition of Charles, Earl of Mountrath, Richard, Lord [Coote] of Coloony, Sir Oliver St. George, Sir George St. George and others, to the effect that only one fourth part of the 2*d. per* acre mentioned in the said petition in a clause in the Explanatory Act of Settlement *p.* 62 should be levied or raised until further order. Nothing having been levied in pursuance of such order, and considering the great scarcity of money in the kingdom, by reason whereof the said 2*d.* if wholly levied would prove a heavy burden to the persons liable to the payment, they now order that only a moiety of the said 2*d.* shall be levied, until further order, for the uses mentioned in the said clause, and that the sums appointed for Sir Heneage Finch, knt., Solicitor General in England, Mr. Agar and Mr. Harris be in the first place paid out of such moiety.

Signed at the head: "Ormond"; *and at the foot:* "Ja. Armachanus; Mich. Dublin, Canc.; Ossory; Meath; Orrery; Drogheda; J. Temple; Robt. Forth." *Copy.*

Endorsed: "Order of the Lo. Lieut. and Councell 1*d.* the acre."

See Cal. S.P. Ireland, 1666-1669, *pp.* 304, 305.

(ii) Miscellaneous.

Subsidy payable by the Diocese of Derry.

1640, April 30.—"An accompt of one entire subsidy due to his Majesty by the clergymen in the diocese of Derry, Oct. 1, 1639, being the fifth of the eight granted the first Parliament." Total (including 9*l.* for first fruits), 143*l.* 3*s.* 6*d.*, of which the bishop's share is 47*l.* 8*s.*

Impeachment of John Bramhall, Bishop of Derry.

1640-1.—(i) His answer to the Irish House of Commons. *Signed.*

(ii) Corrected draft of the same.

(iii) March 6.—Autograph draft of his petition to the Lords Justices to bail him, and of his apology in answer to the petitions exhibited against him in both Houses of Parliament.

(iv) March 23.—Recognizance in 20,000*l.* that he will remain a prisoner in his own house in St. Patrick's Close in Dublin until May 1, and on that day will return to the house where he now stands committed or to any other house in Dublin or the suburbs which Drurie Cooper, gentleman usher of the House of Lords, shall appoint. *Signed by* Sir Edward Bolton, Chief Baron of the Exchequer in Ireland; *Bramhall's signature having been torn away.*

For Bramhall's impeachment, see Journals of the House of Commons, Ireland, i, 328, 357.

Bishops and Deans, etc., in Ireland.

1660, July 24.—"A list of Bishoprics, Deaneries, etc., bestowed or designed in Ireland, July 24, 1660.

"All the bishoprics conferred stand as they were, except Kildare, which Archdeacon Bulkley refuseth. This must be deferred until we come in Ireland.

"The bishopric of Waterford is since bestowed upon Mr. Baker.

"The bishopric of Killaloe since conferred upon Dean Worth.

"There is but one bishopric unbestowed in Ireland, that is the bishopric of Ardagh, which the Bishop of Kilmore challengeth as united and of right belonging to his bishopric.

" The deanery of the Holy Trinity commonly called Christchurch, Dublin, promised to Mr. Mossom; but 300*l.* a year to be settled upon the Provost.

" The deanery of Elphin promised to Doctor Paman.

" The deanery of Killaloe promised to Mr. Jasper Phesant.

" These two last commands were delivered to me from your lordship by Dean Parker.

" The rectory of Knockgraffan to Mr. Heind.

" The deanery of Clogher to Mr. Hudson.

" The deanery of Kilkenny to Mr. Charles Cullen. [*He got however the deanery of Ossory.*]

" The deanery of Leighlin to Mr. Richard Underwood. [*He got however the deanery of Lismore.*]

" The deanery of Ferns to Archdeacon Watson.

" The deanery of Cashel to Mr. Essex Digby.

" The deanery of Tuam to Mr. Hollingworth. [*He got however the deanery of Achonry.*]

" The deanery of Limerick to Mr. Richard Boile.

" The deanery of Clonfert to Mr. Eaton.

" The deanery of Connor to Mr. Thomas Bailey. [*He got however the deanery of Down.*]

" The deanery of Downe to Mr. Lawrence Womocke. [*He was not appointed.*]

" The deanery of Cloyne to Mr. Rugge.

" The deanery of Cork with the parsonage of Ringrone to Mr. Hacket.

" The deanery of Ross to Mr. John Eveline [*recte* Eveleigh].

" The deanery of Kilmore to Dr. Lewis Downes, *if it be not his already.*[1]

" The provostship of the College to Mr. Seele, with the addition of 300[*l.*] a year out of the deanery of Christchurch, he resigning his chancellorship of St. Patrick's or, if he choose rather to hold that or the treasurership of St. Patrick's, then the 300*l. per annum* may be settled upon the archbishopric of Dublin or bishopric of Kildare paying some yearly freerent to the dean.

" The prebend and vicarage of Maynooth to Mr. Dumvill. [*He was not appointed.*]

" The chantership of Limerick to Mr. Ledsham.

" The prebend of St. Michan's to Mr. Daniel Nealand.

" The rectory of Corrigaline in the diocese of Cork to Mr. Roger Boile.

" The archdeaconry of Elphin to Mr. Richard [*recte* William] Portman.

" The archdeaconry of Derry to Mr. Holland.

" The archdeaconry of Kilmacduagh to Mr. John Pullein.

" The rectory of Killary to Mr. John Mathewes.

" The Earl of Cork is an humble suitor that the treasurership of St. Patrick's may be bestowed that he may get a lease of his house according to his Majesty's recommendation.

(1) The words in italics are scored through.

"The treasurership of St. Patrick's and chancellorship of Christchurch upon Mr. James Vaughan and Mr. Harwood.

"The Bishop of Raphoe is a suitor that in respect of his poverty he may hold the deanery of Raphoe *in commendam*, he discharging the cure and other duties.

"Mr. Heardman is recommended by Sir Thomas Wharton. If your lordship please he may have the archdeaconry of Glendalough or prebend of Swords and Mr. Roger Holmes may have the other.

"The deaneries of Derry, Waterford, Lismore are still vacant, and sundry others. So is your own rectory of Callan.

"Remember a commission to inquire of the mean profits of ecclesiastical preferments in the long vacancy." *Decayed.*

GRANTS to JOHN BRAMHALL, Archbishop of Armagh.

1661.—Drafts of letters from the House of Lords and the King to the Duke of Ormonde granting John Bramhall, Archbishop of Armagh, lands in Ireland to the value of 500*l.* a year in consideration of his services and sufferings.

A RENTAL of the BISHOPRIC of DERRY.

1664, March 31.—"A perfect and exact rental of the lands belonging to the bishopric of Derry for one quarter's rent ending Nov. 1, 1641, with the names of the tenants and their particular rents before the wars and now at this present."

	l.	*s.*	*d.*
Capt. George Butler for the lands of Culdagh and Cloncagh lately Mrs. Sara Babington's ...	15	0	0
Mrs. Mary Berrisford, relict of Mr. Michaell Bersford for Dunbor	17	10	0
Mr. Alderman Vincent for Grangebegg, lately Mr. George Bunbury['s]	1	0	0
Lt.-Colonel Tristram Berisford for Grangeagh More lately Mr. Edward Baker's		17	6
Mr. Mathew Babington for the lands of Ucney	7	10	4
Mr. Peter Benson for a piece of land near Derry now Mr. John Harward's		3	4
Dame Anne Cooke, for Bannachar, Ballyneskreene [*sic*] and Boreuagh	17	10	0
Mr. George Cooke for Combar	4	0	0
Coronett Cowborne for Ballylast, lately Francis Lamber's	1	6	8
Capt. Edward Cary for Donagh Clantagher ...	6	13	4
Mr. Tristram Cary for Anagh	2	10	0
Mr. James Downham for Clonleigh, Clanmanney, Clany and Deseirteigney	26	0	0
The Earl of Donnegall for Donally	1	12	6
The Corporation of Derry for lands near Derry ...	12	10	0
Sir Thomas Bramhall or his sisters for Drumragh	10	0	0
Lt.-Colonel Erwin for Ardstragh	19	0	0

	l.	*s.*	*d.*
Mr. Hughe Edwards for Mouilly and Leeke Patricke	11	10	0
Mr. John Elum, Alderman	1	0	0
Colonel Thomas Fairefax for the lands of Donagh More	8	13	4
Mr. John Gage for Magilligan	40	0	0
Mr. Tristram Griffin for several tenements and lands over the bog		5	0
Mr. William Gardiner for Ballyscallen Moore, lately Mr. Conireye's	2	7	6
Sir George Hamylton for Donagh Kiddy ...	5	0	0
Esquire Hamylton, heir to Sir William Hamylton, for Bodony	5	0	0
Mr. Phillippe Hill for lands near Faughan Castle, lately Mr. Charles Steyminge's	8	0	0
Mr. Humberston for the two town lands of Keeighes, now Mr. Paul Brasier's	1	10	0
Mr. John Kingsmell for Magheragh Shanuallagh, lately Sir John Kingsmell's	8	0	0
Mrs. Barbara Latham, relict of Mr. William Latham senior, for certain tenements and lands by the bog side		5	0
Mrs. Latham, relict of Mr. William Latham junior, for Colaghy	4	0	0
The Lord Viscount Massereene for Ballyscallen begg		15	0
Mr. Arthur Newburge for Ballybinney, Lamfeild and Magherenagh	8	6	8
Mr. Arthur Newburge for Termon O Mongan ...	5	0	0
Capt. John Neesbitt for Killtiaddon		10	0
Major Richard Perkins for Ballyboggan ...	4	0	0
Mr. Thomas Phillipps for Drumcose	24	13	4
The Lord Viscount Strabane for Canny ...	2	10	0
Lt.-Colonel Alexander Staples for Aighanlow ...	4	0	0
Lt.-Colonel Staples for Faughan vale	8	0	0
Mr. Henry Simpkins for a piece of meadow ground lying in the bog near Derry		8	4
Lt.-Colonel Staples for Court Neglogh and Drummenagh being mensalls besides custom corn	17	10	0
Mr. Hughe Thompson for a small piece of ground near Derry		5	0
Sir John Rowley for several lands	50	0	0
Sir John Rowley for Lisnemacke	1	10	0
Mr. Hughe Rowley for Desert Martin, lately Mr Abdye's	4	0	0
Mr. William Warren for Cappeigh	5	0	0
	£375	2	10

"Besides the three ballyboes at Fawne in Sir James Grymes his hands, and the fishing, which I herein send a particular of so near as I can guess at them, my Lord's Grace always setting them himself."

Fishing.	*l.*	*s.*	*d.*
The half of the fishing of the west side of the bay from Lough Neagh to the Bann mouth ...	–	–	–
The day's fishing at the leap to the Bann mouth	–	–	–
The fishings in Louth Neath and Little Ballyscullen set to the Lord Viscount Massereene at 20[*l.*] *per ann.*	20	0	0
The fishing of the five 'hooley' or pools at Clonleigh	80	0	0
The fishings at Ballyboggan and Ballywest in Major Perkins' hands	4	0	0
The fishings at Cannis in the Lord of Strabane's hands	2	0	0
The fishing at Ardstraigh in Lt.-Colonel Erwin's hands	4	0	0
The fishing of the Keoghes and Portnesinton near Croked Imber set for a barrel of fish and twenty fresh salmons *per ann.*	–	–	–
The fishing at the point of Magillogan in the mouth of Louth Foyle	16	0	0
The fishing of three 'hooles' at Arlow O Mullan's pool in Magilligan and the Rod mouth	4	0	0
A small fishing at the leap set for	2	0	0

Drawn up by Th[omas] R[owth] [for Sir Thomas Bramhall, son of the late Lord Primate of Ireland] as "a directory for a quarter's rent before the wars," by which another may be drawn up for the quarter ending May 1, 1660. Little of either quarter has been paid.

THEOLOGICAL WRITINGS among ARCHBISHOP BRAMHALL'S Papers.

1. "Against Self-seekers." *Endorsed:* "I think by my Lord Primate." *The latter part headed:* "More meditations upon sullied paper such as a poor prisoner can afford." 1½ *pp.*

2. "Corpus et Sanguis Christi sunt realiter in Eucharista, et ita docuit primitiva Ecclesia." *Latin. Endorsed:* "The Jesuit's first paper." 3½ *pp.*

3. "An answer to a paper given by Doctor Holden and Mr. Fitton to a Protestant lady, for the proof of Purgatory and Invocation of Saints out of the Fathers." *In Bramhall's hand.* 20 *pp.*

4. "De Deo et religione Christiana."

5. "A discourse made at Paris upon the confirmation of the Honourable [] and sundry others." *In Bramhall's hand.* 5 *pp. Incomplete.*

6. *A paper in Bramhall's hand, endorsed by him :* "Directions for my Lady Utrecia Swanne," *and, in another hand,* "Spiritual advice," *and* "Spiritual advice of my Lord Primat Bramhall's I do not know to whom." 1 *p.*

Various theological notes.

"A PROPOSAL concerning SCHOOLMASTERS."

"That power be given them to examine what freeschools were formerly erected in each city, town corporate and county within Ireland, what yearly maintenance was formerly belonging unto the said freeschools within each county, from whence issuing, and by whom paid, how much it amounted to yearly in 1640 and 1641 and what the same may be now set for yearly, as also what it falls short of (one) 100*l.* *per annum* for the maintenance of one or more freeschools erected or to be erected within each respective county within Ireland, and that they certify the premises to the Lord Deputy and Council.

"That power be given by that Highness and Council to the said Lord Deputy and Council of Ireland upon the aforesaid certificate to assign yearly so much of the rents formerly belonging to archbishops, bishops, deans and chapters within each respective county in Ireland as may make up the said present means formerly belonging to the said freeschool or schools within every of the aforesaid counties 100*l.* yearly; and where no such means had been formerly allowed, that to such county 100*l.* *per annum* be allowed as aforesaid for the maintenance of such freeschools as shall be found fitting to be erected there.

"That thereupon it be in the power of the said Court to appoint one or two freeschools to be kept in each county, and the places where they shall be erected and kept, and to divide the allowance of the said 100*l.* yearly for the maintenance of each of the masters and ushers of the said free schools as they shall find most conducing to the edifying of youth, both in religion, learning and manners.

"That it be in their power to make choice of and approve of fitting schoolmasters wherein principal regard is to be had that such be as well of an exemplary Christian conversation as competently learned to instruct their scholars in those languages which are necessary to the understanding of the Holy Scriptures.

"That the said commissioners strictly give in charge to each respective schoolmaster (as chosen and approved of them) diligently to catechize their scholars at least twice every week, and give such other wholesome instructions for the well edifying and breeding of them in literature, religion and manners as may most conduce to the same, and that such authors only be read in every tongue unto their scholars as are in order thereunto and immediately conducing unto those ends, and that the evil practice in most schools in England of initiating youth in heathenish authors (leading rather to the knowledge of false

gods and their worship than to the knowledge and service of the true god) be utterly forborne and laid aside.

"That they have power given them from time to time to eject upon due proof such schoolmasters and [as] shall be informed against and found negligent, insufficient or otherwise unfitting for their said employments, and to place new ones in their room. That the information be given under the hand or hands of the informer or informers, and to award damages against the informers if the information prove false and groundless, as in the aforesaid case of scandalous ministers." *The beginning is apparently lost.*

"EXCEPTIONS alleged against the ACT to be passed for the CONFIRMATION of the COURT OF PREROGATIVE AND FACULTIES, etc."

"Inprimis. That care be taken that by the general words of the Act a concurrent jurisdiction (which is or may be aimed at) with all archbishops, bishops and all ordinaries be not comprehended in this Act; for then thereby most of the episcopal jurisdiction will be extinguished, or at least will be of little value, the power and right whereof was never his Majesty's intention to diminish in any part.

"2ly. That whereas upon the power given to call before them any ecclesiastical person to show their titles and orders to be tried and examined, Doctor Reeves [Ryves], Judge of the Prerogative and Faculties, did visit most part of the kingdom and all the bishops therein with their clergy to their great prejudice, and Mr. Hilton, late or now substitute judge, did offer the same, it might therefore be explained how far their power herein might extend, whether without a special regal power they might visit any bishop or diocese or call before them any clergyman but such as have pluralities without faculties and dispensations.

"3ly. Whereas upon the word (licences) in the grant it should be explained what licences they may grant; for by the Statutes of Faculties it appears that only such licences, dispensations, faculties, etc., are to be granted, which were before procured only at and from Roome, and a proviso in the statute, that no archbishop or bishop should receive any prejudice in their jurisdiction by granting of those licences and faculties which naturally belonged to their places, the patent also granted to the Lord Archbishop of Ardmagh *decimo Jacobi* makes it plain that the power to grant only such faculties were granted to the Court of Prerogative and Faculties which are not within the power of an ordinary bishop, the words of the patent being as followeth, And we being desirous that our subjects of our said realm of Ireland, which have need of such faculties, licences, etc., which by virtue of the said Act of Faculties may be granted, should be had and obtained for their ease within our said realm of Ireland, for the better accomplishing thereof we likewise give

power to you to call before you in such place and places as you shall appoint any person or persons which have, enjoy, keep or possess any spiritual or ecclesiastical benefice, promotion or dignity, and for that it appears plainly by your patent that licences and dispensations and faculties concerning ecclesiastical livings only, and such as are not within the power of any ordinary bishop but heretofore were obtained only at Roome, are only granted to the Judge of the Prerogative and Faculties, and not licences of marriages, which dispense only with banns asking before the marriage, or times prohibited, or licences for flesh-eating, which lieth within the power of every ordinary, yea and in case of need within the power of every parish priest, and what ease will it be to the subject to obtain them from Prerogative when their own bishop and ordinary are nearer unto them, but this power invested in the Prerogative would be very prejudicial to every bishop's jurisdiction (contrary to the intent of the statute) and to the subjects also, for thereby strangers of foreign parts, which by God's laws cannot be joined in marriage, may surreptitiously obtain a licence to marry, as appeared this last year, by one Crabb of New Street, Dublin, who being denied a licence in the Consistory of Dublin to marry his deceased uncle's wife, because the affinity was known, and being denied also in the Consistory of Killdare, because he was of Dublin diocese, went to the Prerogative and procured a licence, and was thereby married in the country, in the diocese of Killdare, and so committed incest and begat an incestuous issue.

"4ly. That whereas power is given to hear and determine all double quarrels, suits and causes of dissolutions, it be explained how far this power shall extend, it plainly appearing by the execution thereof in Canterbury in England (beyond which this Prerogative and Faculties is not to extend his power) that double quarrels only in beneficiary causes are cognizable in that court, as also by the patent itself of *decimo Jacobi*, for there the clause, 'to hear double quarrels,' is a clause granted only for the strengthening of the power of that court in beneficiary causes, and is therefore annexed immediately after the power to call the clergy to show their titles, but the judges hereof, the Prerogative and Faculties, have endeavoured to usurp this power in all other causes whatsoever, to the great prejudice and hurt of all archbishops, bishops and ordinary jurisdictions, to the derogation of his Majesty's power in his Court of Delegates, and to the great hurt and molestation of his Majesty's subjects, who have an ordinary legal way in their suits limited to persons and time, whereas the Court of Prerogative is not tied to any time, but after sentence in an inferior court and appeal deserted perhaps three, four, five years after, or as many as they please, by double quarrels they would call the cause before them.

"5thly. That whereas power is given to the Prerogative Court to approve wills and grant administrations of the goods of those deceased that have *bona notabilia* in divers provinces, dioceses or jurisdictions, it be explained whether subordinate or peculiar jurisdictions within one diocese and derived from the same episcopal power be comprehended herein, as the jurisdiction of the Dean of St. Patricks within the diocese of Dublin and derived from the Archbishop of Dublin, or whether it be meant only of several dioceses, for the word (or) is not in the patent a disjunctive particle, but expositive, for the words are not 'divers provinces, dioceses and jurisdictions,' but 'divers provinces, dioceses or jurisdictions,' 'or' expressing the difference between provinces and dioceses; otherwise it may be prejudicial to all episcopal and ordinary jurisdictions, which was never his Majesty's intention to grant."

XV. OTHER MISCELLANEOUS IRISH PAPERS.

The Division of the County of Fermanagh.

1603[-4], Jan. 14.—Certificate of the Lord Deputy and Council witnessing the acceptance, upon his knees, by Connor Roe Magoyre, who had attended that day before them, of the following parts and parcels of the county, to be passed unto him by the King's letters patent:—the baronies of Magherastephana and Clankelly (Cancallaugh), the half barony of Tirkennedy (Tirecanada), the toughe of Coutenerer being part of the barony of Knockninny lying in the north side of Lough Earne, together with the islands of Lough Earne anciently belonging to the said baronies, with such reservations, rents, services and other duties rateably and proportionably as were reserved out of the whole county by any former letters patent.

Signed at the head: "George Cary"; *and at the foot:* "Tho. Plunkett, interpretor"; *also:* "Tho. Midensis; Ed. Pelham; Geo. Bourcher; Oly. Lambert."

Overleaf: A similar certificate with regard to the parts to be passed to Coconnoght Magooyre, viz.—Enniskillen (Inishekellin) with the half barony of Coole (Coyle), the baronies of Lurg, Magheraboy, Clanawley, so much of the barony of Knockninny called Toughe-Knockneny lying on the west and south side of Lough Erne, together with the islands of Lough Erne anciently belonging to the said baronies, etc., as above.

Signed by the Deputy and Council as above; also: "Cowconaght Magoyre; Geo. Balfe, interpretor; Cowconaghte Magoyir."

Copies. Endorsed: "The Division of Fermanagh between Connor Roe Maguire and Coconnaght Oge Maguire."

The Estates of the Irish.

[1605-1608.]—"Certain rules and directions thought meet by all the judges of this realm to be observed for a time for quieting and settling of the estates of the mere Irish and reducing of them to the course and order of the common law of this realm.

"1. First it is thought meet that from and after the beginning of his Majesty's reign no bastard shall be admitted to make any title to any lands of inheritance by descent, but that all lands and hereditaments shall descend to the lawful heirs by course and order of the common law.

"2. Notwithstanding, it is thought fit that none of the Irish shall be dispossessed or sued by pretence of bastardy in any of his ancestors by any other of the Irishry, but permitted quietly to enjoy his lands and other possessions without contradiction.

"3. And it is also thought meet that none shall be disturbed in his possession which he hath enjoyed for the space of three years before the death of the late Queen and until now by pretence of bastardy in himself but only at the Council Table saving by such persons as within two years before the beginning of his Majesty's reign were within age, in prison or out of the realm by licence or other lawful occasion.

"4. Item, it is also agreed and thought meet that such as have enjoyed any lands by pretence of the custom of Gavelkind shall not be now disturbed therein. Nevertheless, for that we find that is a mere personal Irish custom, we think it convenient that the same shall not be allowed from or since the beginning of his Majesty's reign, but that all the lands shall descend thenceforward according to the general course of the common laws, but that women shall and may inherit and have dower or jointures after the death of their husbands, the said usage notwithstanding.

"5. Lastly, where married women among them claim and hold goods in severalty from any their husbands, we think it meet that from and since the beginning of his Majesty's reign the property of all their goods shall be adjudged in the husbands according unto the due course of the common laws, and that they shall have after their husbands' death such portion as they ought to have by course of the common law or some lawful custom or that shall be conveyed or left unto them by their husbands."

Signed at the head: "Arthur Chichester"; *and at the foot:* "Tho. Dublin, Canc.; Roger Medensis; Ja. Ley; Olivor Lambert; Geff. Fenton."

Copy. Endorsed: "The copy of certain orders taken by the judges and confirmed by the Lord Deputy and Council, concerning the Irishry and other, etc."

This document must have been written between the appointment of Roger Dod, who signs it, to the bishopric of Meath in November, 1605, *and his death on July* 27, 1608.

A Presentment of Clergy, etc., in the County of Monaghan.

1606, July 25.—"Names of the parishes, rectors, vicars, deaneries, prebends, chapels, benefices in the hands of laymen (*impropriationum*) and portions of the same in the several baronies in the aforesaid county; also what churches are repaired and what in decay; and also which of the incumbents are resident and which absent."

Barony of Donaghmoyne (Donaghmuine).

Killenye. Rector—Henry Sheeles *alias* Ovington, absent. Vicar—Thomas Ocalan, resident. Church is repaired.

Donaghmoyne. Rectory impropriated to Ardee; in tenure of Ambrose ap Puy, non-resident. Vicar—Patrick Glas O'Dowie. Church in decay.

Carrickmacross (Caricke Macharosse). Rectory impropriated as above; in the hands of the same Ambrose. Vicar—Patrick O'Dowie. Church in decay.

Macharrlonmie. Rectory impropriated as above. Title in dispute between Gerald Moore, knt., and the said Ambrose. Vicar—Bernard McMahoun. Church in decay.

Inishkeen of St. Doig (Inishean de aga). Rector—Primate of Armagh. Vicar—Obscurus McKennan. Church in decay.

Barony of Cremorne (Crivurne).

Aghnamullen. Rectory impropriated to Ardee; held by the said Ambrose. Vicar—Kelossius McLawne. Church in decay.

Clontibret (Cluntubrid). Rector and vicar—James O'Dowie, Archdeacon [of Clogher], resident. Church is repaired.

Mucknoe (Mucnaw), in no barony. Rector—Philip O'Dowie. Vicar—John O'Haurachtie. Church unrepaired.

Barony of Lottie.[1]

Tullycorbet (Tollecarbia). Rectory impropriated to the Priory of Clones, owned by Francis Rush, knt. Vicar—the said archdeacon. Church is being repaired (*reparatur*).

"Raviemallis" [*i.e.* Monaghan].[2] Rectory impropriated as above, and in the possession of the same Francis. Vicar—Conossius O'Dowie. Church is repaired.

Tyholland (Tacktalan). Rector—the said archdeacon. Vicar—Tullius Macmahoune. Church is repaired.

Tydavnet (Taghdaunid). Rector—Patrick Cardull, absent. Vicar—John Cardull. Church partly repaired, partly in decay.

Kilmore. Rector and vicar—Nigel McKenna, non-resident. Church is being repaired (*reparatur*).

Drumsnat (Drumsnaght). Rectory impropriated to Clones as above, and in the possession of the said Francis Rush. Vicar—Cormack McCaba, absent. Church unrepaired.

Clones (Clonnis), in no barony. Rectory impropriated to the Priory of the same place, and in the tenure of the said Francis Rush. Vicar—Bernard McDonnell. Church unrepaired.

Barony of Dartree.

Galloon (Gaulune). Rector—Patrick O'Connolie, absent. Vicar—Conossius McMollin. Church in decay.

Chapel of Killcevan (Kilinvan), unrepaired. Has neither rector nor vicar.

Barony of Trough.

Donagh (Donagh eder Bavonie). Rector—Bishop of Clogher. Vicar—Adam McTrenie. Church is being repaired (*reparatur*).

Errigal (Irgle). Rector—the said bishop. Vicar—Thomas McTrenie. Church in decay.

(1) The modern barony of Monaghan. Loughty, or Longfort Megmachuna, was close to the town of Monaghan. See *De Annatis Hiberniae*, by Rev. M. A. Costello, i, 3, *note* 9; 31, *note* 13. Also *Irish Names of Places*, by P. W. Joyce, ii, 470.

(2) *See* Costello, *op. cit.*, i, 45, *note* 8.

The yearly value is unknown to us.

We believe the Bishop of Clogher to be patron of all the aforesaid rectories and vicarages.

We believe there is only one rural deanery, of which Bernard O'Dowie is dean, and it is in the election of the said bishop.

We believe there are no prebends nor free chapels in the aforesaid baronies.

Signed: "Bernard*us decanus*; Patrick Bubthius; Hioannes Cardisius"; *and (in the same hand as that in which the document is written):* William Lynne *primar*'"; *also with the marks of* Rory Hourick McCulow McMahoun *and* John McCulow.

A large sheet. Latin. Endorsed: "Presentment touching Clergie at Mon. In Latin."

Lord Howth's Charge against Sir Garret Moore.

[1608, May.]—"Interrogatories to be ministered to Sir Garret Moore, knight, touching such matters concerning his Majesty wherewith he standeth charged."

See Cal. S.P. Ireland, 1606-1608, *p.* 497. *The ninth interrogatory contains this further clause not mentioned in the Calendar:*—"For that Tyrone was never so sure of foreign forces as then he was, and the assistance of the country, for that the punishment for religion had drawn the hearts of all the people from the King." *Draft.*

The Deposition of Phelim O'Dogherty, monk, taken at Culmore before Sir Thomas Rid[ge]way, knt., one of his Majesty's Privy Council of Ireland.

1608, June 22.—Whereas it is publicly reported that Sir Neyle O'Donell, knt., was the principal instrument and setter-on of Sir Cahir O'Dogherty for the taking and sacking of the fort of Culmore (Coolmor) and the city of Derry, this deponent saith that he was never acquainted nor understood of the plot between Sir Neil and Sir Cahir, now of late discovered, until the very evening that Capt. Hartte was taken.

At that time, Sir Cahir being then at his house of Buncrana (Buncrangha), there came a boat laden with arms from Bert Castle thither, which when he saw, he demanded of Dooyll Oge McAllen, one of Sir Cahir's chiefest men, the reason thereof, who told him that Sir Cahir was determined that very night to assail the fort of Culmore and Derry. This deponent, much marvelling thereat, inquired how that could be effected so suddenly, and the said Dooyl told him that Sir Cahir had sent a horseman named James Ballagh McAllen to Sir Neil that he should send him some [of] his men to assist him that night, and that himself should go over the mountain towards Donegal or Killybegs (Kalbegge) to assail those places to take them, as he would undertake to do to Derry.

The next morning this examinant repairing to Derry found the city taken and possessed by Sir Cahir, save only the house where Capt. Baker was. Sir Cahir meeting with him caused him to write a letter to Sir Neil, that he was possessed of Culmore and both the forts in Derry, only there was one house defended against him by Lieut. Baker. This was the whole effect of the letter, which was sent by Hugh Murrey O'Galcher, one of Sir Cahir's boys.

For any other private conference or other letters passing between them, he can only say that, when the Lady Dogherty and Mistress Mungumry were after in the fort of Culmore, he was there likewise and saw one Edmund O'Molarky a friar and another of Sir Neal's men named Donell Fanedagh with a boy of Sir Cahair's named Phelim McDoved come thither. The said boy whispered the lady in her ear and wished her to show unto the friar and the said Donell such spoil and goods as she had there of Sir Cahir's taken in the Derry and Culmore, and to take a note thereof,(1) which, as the friar then confessed, was to be shown to(2) Sir Neal. Which note accordingly the friar took and carried at his departure with him, likewise two silver bowls, as he said also to Sir Neal's use.

He cannot say for certain that the note and plate taken by the friar were to Sir Neal's use, but he assuredly thinketh so, for he took a full note of all things taken which were in Sir Cahir's hands.

Signed: " Felemens O'Dogherty." *Endorsed:* " The Monk's voluntary Confession as touching Sr Neyle O'Donell, at Coolmore 22 June 1608. Taken before Sr. Th. Ridgeway."

See Cal. S.P. Ireland, 1608-1610, *p.* 309.

Examination of Patrick Oge O'Correran relating to the Rising of Sir Cahir O'Dogherty, taken before Sir Richard Hansard, knt.

1608, July 12.—About the beginning of May last he was going into Glanfynne to his father and by the way met with one Owen McGlaskin who dwelt at Castlefynne and who persuaded him to go with him to see if they could steal a horse from Sir Cahir O'Dogherty. Coming near his camp, which then lay at Dubballogh, a wood near Scarfollis, the said Owen bade him lie down in a bush until he returned, which he did. But after about two hours the said Owen brought Sir Cahir and six more with him to the bush, and Sir Cahir took him and kept him bound all that night, threatening to hang him in the morning, for that he had (when he was the bailiff's man of Enishowen) fetched a prisoner called Turlogh O'Quin (who is a prisoner at Lifford).

(1) " To make equal division thereof " was written first, but afterwards struck out.

(2) " To the use of " written first, but struck out.

And the next day towards night Sir Cahir took him to a tree and hanged him up a little while. Then he let him down again asking him whether he could get Turlogh O'Quin released forth of prison for his ransom. He answered he thought Sir Richard Hansard would give him out, which Sir Cahir hearing he said he liked him better than Turlogh O'Quin and asked him whether he had rather swear to remain with him and do him service than to be hanged. "So this examinant chose rather to stay with him than to be hanged," which oath being taken Sir Cahir offered him a great heavy pike to carry, but he told him he knew not how to use any arms. So Sir Cahir told him he should have charge of his clothes and look to his victuals, which he was contented to do. But notwithstanding the oath, they trusted him not at all, for always when they came upon service in any place they put a horselock upon him.

Moreover he often heard the soldiers say that the Spaniards would come into this kingdom and that they would land at Kinsale. But Phellemy Reaghe said (about a week before Sir Cahir was killed) that if the Spaniards came not that wind, he thought they would never come. About four or five days before Sir Cahir's death he had manned six or seven boats which lay at Castle Doe, thinking to have essayed to have taken the ship with the ordnance riding in the harbour of Lough Swilly, but the wind turned against them that they could not prevail; and none in the camp knew of this that night save Sir Cahir himself, Phellemy Reaghe and Dowlege McCallin. The night the boats were manned Sir Cahir was in Castle Doe and Dowlege McCallin in camp two miles off, who thinking Sir Cahir was gone away with the boats told all the soldiers (the other morning) that Sir Cahir was taking the ship which carried the ordnance, whereupon Sir Cahir was very angry with him at their meeting and Phellemy Reaghe fell out with him extremely.

Moreover the day Sir Cahir was killed, he and one Dennis (a young man who was taken prisoner by Sir Cahir the day he burnt Castlefynne) were talking together and concluded to have stolen away a couple of Sir Cahir's best horses and so to have escaped, but another young man (who is a scholar and spake English) overheard them and told Phellemy Reaghe, who beat them with a cudgel and tied them together and so kept them till they came to Glanconkeyne; when he loosed them and bade them go whither they would.

Upon Wednesday morning, July 6, being the day after Sir Cahir was slain, they took a prey of some fifty cows besides muttons from Egnochan O'Donnell in Slutartt (as they the rebels were going towards Glanconkeyne), of the which they killed three or four cows and did eat them. But the rest of the cows Egnochan took away from them in a wood hard by. Some of Enishowen knew some of their own cows in those meats, and Ochaines son took from Egnochan his mantle but gave

it him back again. They were two days and two nights in going from the place where Sir Cahir was killed to Glanconkeyne, and never rested long in any place, fearing still the English army followed and would raise the country upon them. There were in company about seven score who kept together till they came near to Mountjoy, the chief of whom was Brian McArtt's son, Phellemy Reaghe next, Brian Samaghe the third, Shaine Carroughe the fourth and McKyna his sons the fifth. At a wood near Mountjoy, being Saturday 9 July, they parted every man towards his own country except Phellemy Reaghe and Donnell Abillin O'Dogherty (Sir Cahir's bastard brother). Phellemy Reaghe took into Glanconkeyne with [him] only three of his own followers (two of whose names are Turloughe Oge McDavid and Neil McDavid, and the third he knows not) with two gentlemen called Reignold McDonnell and Gillaspeeke McDonnell (dwelling near to Mountjoy) and they (with ten more in their company) took the wood with Phellemy Reaghe. When they were parting at the wood Donnell Abillin O'Dogherty desired that they would make him O'Dogherty, but Phellemy Reaghe answered he scorned to make such an one as he was O'Dogherty, being but the son of a Callioghe, whereupon they fell out and Donnell said he would leave his company. Phellemy answered that he should leave his company, "for," saith he, "I know you will one day take my head and carry it to the English if you remain with me." And so they parted. Donnell Abillin hath with him four men with whom he meaneth to pass into the Rowte and so into Scotland. Phellemy Reaghe with those three of Enishowen before mentioned remaineth with the gentlemen before named and hath promised them 27*l.* to keep him a quarter of a year and in the meantime to convey him into Scotland if they can.

Endorsed: "An examination sent unto me from Sr. Richard Hansarde."

For a history of Sir Cahir O'Dogherty's rising, see Cal. S.P. Ireland, 1608-1610, *pp.* xlviii-liii, *and Bagwell,* Ireland under the Stuarts, i, 51-62.

Survey of the Undertakers and Servitors planted in Ulster between February 2, 1612[-13], and April 25, 1613.

By Sir Josias Bodley.

"Undertakers in the County of Cavan, 6 Feb., 1612[-13].

"Clanchie.

acres 500 "1. Capt. Fleming, who hath 500 acres allotted him in the barony of Clonmahon, hath not yet built anything there, but where he is now resident at Caberagh in Clanchie, he is providing to build a castle of good strength, and 2 miles from that towards

acres

the L[ord] Obignie's proportion, hath already raised a strong pile, entrenched about, having made good choice of the place, for conveniency of service.

6,000 "2. The proportions in Clanchy appointed to the L[ord] Obigny, William Baily, William Donbar, and John Katestone, being 6,000 acres, are not yet inhabited (for aught that I can learn) by other than mere Irish, nor is there any preparation towards a plantation albeit the settling of that place, and the strengthening thereof, be of special consequence and import. I found not any man there to answer for the undertakers, only by a letter from the L[ord] of Killeen I was advertised that he had taken upon him in the behalf of Sir James Hamilton (who undertook that charge for the L[ord] Obigny) to perform the conditions of building and planting which this next summer he promiseth to set on foot.

"Castlerahin. Servitors.

1,000 "3. Sir William Taafe in the barony of Castlerahin hath set out his proportion of 1,000 acres to Sir John King, from whom again, as I understand, it is passed over to Edward Dowdale the lawyer. As yet there is not anything done thereon, only a few stones brought together for the building of a bawn (baune) about an old castle which was sometime Phillip Oreilie's, and standest yet entire, strongly seated by a lough's side, and environed with a bog.

1,000 "4. Capt. John Ridgeway hath brought together some stone for the building of a bawn in a fit place near to Lough Ranne [Raen], and taketh the advantage of a ditch there (which he hath partly cleared) to strengthen the same. He hath built there 3 thatched houses of one story with walls of stone and clay, whereof one is already fallen and the other declining; there are some 5 English tenants upon the place. For the corporation town, which he hath undertaken, there is only a seat appointed for it near to the lough sufficiently well chosen. Otherwise there is nothing done thereon, but that it is christened Virginia.

1,000 "5. Sir Edm[und] Fettiplace hath made over his proportion to Edw[ard] Dowdale the lawyer, who hath not yet performed any thing towards the plantation.

1,900 "6. The rest of that barony, whereof Sir John Eliot hath 400 acres, Shane McPhilip 1,000, and other Irish the residue, is yet *in statu quo prius* save that Lieutenant Earth [Garth], who holdeth also 500 acres there, hath begun a bawn on his proportion, and in likelihoods will speedily finish the same.

"Tullaghgaruy. Servitors.

1,500 "7. Capt. Hugh Culme and Archy More (who is joined with him by purchase of Brent More's half of that proportion) have made choice of a fit place at Tullaghfin, for building of their castle and bawn, both in regard of the general safety of those parts, as also for the natural strength of the situation. They

acres

have already brought sufficient store of lime and sand to the place, some quantity of timber they have at hand, and the rest ready cut and squared in the wood. Workmen and labourers hired to undertake the business with all speed and a fair and large Irish house newly built within the area of the bawn, which already is of some strength, by reason of an old trench or dike which encompasseth the same.

750 " 8. Sir Thomas and John Ashe on their proportion of 750 acres are building a square bawn of earth and sod, without any flanks, yet sufficiently guarded by a wet ditch of sufficient depth and breadth, which is cast about it. Each side is of 120 feet in length, and the rampier about 6 feet in thickness. It is not yet raised to his intended height; that which most weakeneth it, is the ill neighbourhood of certain near hills, which overlook the same.

1,000 " 9. Mulmory McPhilip Oreilly hath begun a bawn of sod about a great Irish house, with 2 flanks at opposite angles, which is not yet above breast high, but he offereth to build a stronger fort at Magherymure, a place of special importance, for defence of the country, if it shall be thought fit.

1,000 " 10. Capt. Rely hath a bawn or sconce of good strength on the top of a hill, which was some times a Danes fort, being round and about 120 feet of diameter, double ditched and trenched, the rampier of sufficient height and breadth, with the parapet accordingly.

3,000 " 11. Mulmore Oge Oreilly hath near his house a strong pile or castle within a bawn of earth and sod, of competent thickness and height and well ditched.

2,000 " 12. Capt. Tirrel hath not yet done any thing on his proportion.

" Loghtee. Undertakers.

1,500 " 13. Mr. John Taylor hath built upon his proportion 3 or 4 houses of English frames, which are set to tenants, and is in hand with a castle or stone house with battlements, being 36 feet in length and 22 in breadth, which is only raised as yet to the second story, his timber and materials are all in place, and his stock of cattle, goods, and family on the land; the bawn about his castle being square, with round flanks at each corner, and well ditched, containeth in breadth 96, in length 120 feet, and is substantially compact of earth and sod of the thickness of 9 or 10 feet: 3 parts thereof are already very near finished and before Easter the whole will be perfected. It standeth conveniently for security of his proportion, and to the best advantage of service, being near to a common passage or ford of the river of Owenmore, which runneth into Logh Erne. He is provided of 3 freeholders, and 9 lessees for years and lives, which are partly on the land; partly, by composition, to plant themselves presently as appeared by their deeds, which he showed me; and is sufficiently stored with arms.

acres

Howbeit divers of the Irish are yet remaining both on this proportion and others, without whose assistance for a while they pretend impossibility of proceeding in their undertakings.

2,000 "14. Mr. Walron having been cast behind in his works by the backwardness of such as had taken on them the performance of his conditions in his absence, being now lately come over, useth all possible diligence to end his task within the time limited; and for that purpose hath divers masons, carpenters, and labourers at work, hath laid the foundation of a fair and strong building, hath the greatest part of his materials in readiness, hath built a thatched house with an upper loft and other necessary lodgings within a place well fenced with ditch and rampier of earth and nightly well watched by his people, where himself with his wife, children and family, consisting of about 50 persons, for the time abidest, hath set up a windmill, stocked his ground with English and Irish cattle, causeth his tenants to build in two several places, together, for their better safety, whereof part have already ceased certain slight buildings, Englishlike, and are providing for better hereafter. He hath made 6 freeholders, 7 lessees, cottagers, and artificers 14; all which with their families (two only which are expected daily excepted) are already settled on the land, and are furnished with armour and weapons sufficient, besides his own store, which is exceeding good and may arm fifty persons.

2,000 "15. Mr. Fisher [Fishe] hath built a brick house on his proportion of Dromany, which is thoroughly finished, being 36 feet square, with good defence from spikes, and from the battlements on the top. Himself, with his wife, children and family, is resident there, having of household servants and other attendants to the number of 18 present, and is sufficiently provided of arms and furniture. His house is seated in a rath or Danish fort on the circumference whereof he intendeth to raise a stone wall with 6 flanks to scour the same. He hath made a horse mill and is in hand with a wind mill, and hath 2 boats, the one of ten ton the other of 6, on the river of Beltirbit. He hath 7 freeholders and 12 leaseholders (whereof 3 only absent) with good store of cattle on the land both of his own and theirs.

"At the Cavan there is little show of any purpose they have to proceed currently to that incorporation: 2 or 3 houses there are built of lime and stone by the townsmen, but through contention among themselves they are now at a non plus.

1,500 "16. Sir Hugh Wirral hath not yet built any thing on his proportion: 40 or 50 pieces of timber he hath drawn to the place where he purposeth to build, and hath a great quantity provided in the woods. His lady and family live at Beltirbit, where he hath built an English thatched house and other convenient lodgings, to serve till the accomplishment of his greater work. Divers his tenants are planted upon his land, and divers are yet in England expected with their families

acres

by May next, of which there are 7 freeholders, 8 leaseholders, 2 tenants at will, and of his own servants 15, with sufficient store of arms.

2,000 "17. Mr. Butler hath laid the ground work of a good plantation, his castle or stone house, which is raised to the first story, being substantially wrought and carrying in circuit about 250 feet, the bawn of stone which encompasseth it being square with 4 flanks, containeth in breadth 88 feet, in length 144. There is sufficient timber, stone and lime in place for finishing of the whole work, and no want of workmen or labourers. He hath placed a water mill within 12 score of his house, thoroughly perfected, which is to be fortified with 4 towers of stone work whereof 2 are already made, and the site of his house and mill are near the ford of the river of Beltirbit, and are special defences for that place. He hath caused 3 boats to be made of 10 ton, 6 and 4, his ground is well stocked with cows, steers, horses and mares; he hath demised his land to 4 freeholders, 1 fee-farmer, 8 copyholders, 5 leaseholders for life, 6 leaseholders for 21 years. His tenants are well stocked with cattle and both himself and they sufficiently provided of good arms, and (as I understand) hath not any Irish upon his proportion.

3,500 "18. Sir Nicolas Lusshe [Lusher] and his son, who have undertaken the proportions which [were] at first allotted to Sir John Davis and to William Snowe, have neither of them erected any building or strength on their land. Only they have caused a sufficient proportion of timber to be cut and squared in the woods of Fermanagh, of which part is drawn to the lough's side, and an agreement made for bringing it to the place. Brick, tile and lime are in hand and a good quantity of goods and necessaries with divers of their people they have at three several times transported into the kingdom. Howbeit as yet there is not any tenant settled there, but as it appeareth by their letters to their factor, themselves with at least 10 families are speedily to come over.

"The corporation at Beltirbit goeth well forward. Mr. Butler, Sir Hugh Wirral and others the undertakers thereof have appointed their freeholders for that town, of which divers have built already and others are preparing to build, being most of them settled in the town.

"Clonmahon. Servitors.

2,000 "19. Mulmore McHugh Oreilly hath only digged a lime kiln and provided some small quantity of limestone to burn.

500 "20. Capt. Fleming upon his 500 acres hath not as yet done anything.

500 "21. Lieutenant Russel upon the like proportion hath built a bawn 100 feet square of earth and sod, not yet above 6 feet in height, with a wet ditch and two whole flanks, having timber and wattle in readiness for an Irish house.

acres

1,500 "22. Capt. Lions and Joseph Jeanes [Jones] are yet behind for any new strength or building on their proportion, only an old castle there standeth entire with a bawn about it somewhat ruinate.

2,000 "23. Sir Oliver Lambert hath provided betwixt 2 and 300 barrels of lime, digged some store of limestone, broken a quarry of building stone, of which a good quantity lieth ready for carriage, hath some couples and other timber upon the land for an Irish house, and other timber, as they avouch, ready felled in the woods for building.

500 "24. Lieutenant Atkinson hath only some timber felled, and purposeth this next summer to finish both house and bawn and settle himself on his proportion.

500 "Lieutenant Earth [Garth] is making a bawn of sod and earth.

"Tullagh Concho. Undertakers.

2,000 "25. The performance of the conditions on Sir Alex[ander] Hamelton's proportion is undertaken by Claud Hamelton his son, who doth very effectually intend and follow the same. He is there resident with his wife and family, hath brought over to the number of 36 artisans, and hath divers other with him both English and Scottish, which purpose to plant there, albeit as yet he hath not confirmed any certain estates. He hath built a stone house of exceeding good strength, on all parts well flanked, being about 60 feet in length and 22 in breadth, which is already raised to the sole of the window of the third story; part of the bawn, which is also of lime and stone, and strongly built, both for defence of itself and of the house, is already made and all materials ready for the finishing both of that and of the house. Masons, carpenters and labourers being presently on the work. The place well chosen, sufficient store of arms, and above 80 head of cattle.

2,000 "26. The same form of building in all points is observed by Mr. Creage [Craig], who undertakes the proportions of Alexander and John Auchmooty: his house or castle is ready for the roof, the bawn very near at the full height, and both the one and other admitting no exception for strength and conveniency. He is well provided of arms, and hath about a dozen tenants on the land and a good stock of cattle, being now gone into England to bring over with him more inhabitants.

1,000 "27. John Hamelton, to whom Sir Claud Hamelton hath set over his proportion, hath not as yet done anything thereon, only at my coming thither he was in hand to hire workmen.

1,000 "28. John Browne hath set over his land to one Achenson, and he again hath set it in lease to one Tailor, reserving some portion to himself. That Tailor is gone into England, and, as it is thought, will hardly be able to go through with that business. As yet there is nothing done by the one or the other.

acres

" Tullaghagh. Servitors.

1,500 " 29. On the proportion undertaken by Capt. Culme and W[illia]m [Walter] Talbot there are 3 or 4 handsome Irish houses by them built, and some provision made towards the building of a castle in a most convenient place for occasions of service, being near a special ford or passage, by which in times past that country was much infested. The quarry of limestone and building stone is on the place, good store of lime already burnt, and of building stone digged, much timber and planks drawn thither already, and the rest provided in a wood not above a mile off, so that this next summer the whole work, I suppose, both of castle and bawn will be perfected.

2,000 " 30. Sir George and Sir Richard Greame have caused a bawn to be built of ill stone and worse lime, and worst of all flanked, being not yet above 5 feet and a half in height, and about a yard in breadth, and almost 4 score feet square. The work was at a stand, and no man there to answer for their further proceedings. The country is exceeding fast, and requireth to be well and sufficiently planted. Sir Richard Greames, they say, hath made over his share thereof to his son-in-law.

1,000 " 31. Magauran is strongly seated, and near to his Irish house by a lough's side hath begun an English building of lime and stone of 40 feet long and 20 broad, not yet raised above the first story, but with this season intendeth to set it forward: there is round about it a trench and dike of earth and sod, which with little labour may be made of good strength, and that, it seemeth, by his beginning, he hath a purpose to do.

1,000 " 32. Capt. Pinnar on his ragged proportion towards the mountains on the confines of this barony hath not built anything, being respited, as I think, for these two years and a half yet to come, having licence to travel with the Lord Cromwel.

" The County of Fermanagh.

" Knockninny and Clankally. Undertakers.

3,000 " 33. Thomas [Michael] L[ord] Burly hath not yet built any castle or bawn on any his proportions that may argue a purpose of settlement in those parts, such as his Majesty requireth. His only engagement as yet is, that his lady is there resident with her household servants and others, to the number of 17 or 18 persons, who hath caused to be built a large thatched house of one story, with divers partitions for present use, having some 5 or 6 tenants, not certainly estated as yet, with cattle on the land belonging to himself and tenants about 200 head, and 200 oaks felled in the woods for building, and hath also made a boat on that lough of 8 ton of burden. His main hindrance, as is pretended, is the want of one of his proportions, detained by Maguire and as yet in controversy.

1,000 " 34. The Lord Kinkell hath 2 or 3 servants on his land, and some few horse and mares, nothing built nor in hand to be built.

acres

1,000 " 35. James Trail hath yet done nothing: only 1 or 2 servants he hath on his land with some 50 head of cattle.

1,500 " 36. The Lord Mountquhany [Mountwhanny] hath his children in the country with 4 servants, a dozen horse and mares, and some timber providing in the woods.

1,000 " 37. John Sedborow hath built a small house of 18 feet square of stone and clay, of one story high, with a malt house, and malt kiln of 25 feet long, 22 broad, and hath begun the foundation of a bawn wall of 3 feet thick, being 50 yards square, which is to have 4 half flanks. He hath set land to 8 tenants in fee farm, lease, and copyhold, whereof 4 are there resident. In cattle upon the ground there are 60 cows and 20 horses, mares and colts, and he is furnished with arms for 12 men. His tenants have yet no certain estates, for that he hath not yet taken out his patent for his own grant.

1,000 " 38. Thomas Flowerdew hath erected the frame of a house of 50 feet long and 21 broad of 2 stories besides the roof, within a Danish fort. His bawn shall be the circuit of that fort, which containeth about 30 perches, which he will fortify on the top with a palisade well rampiered behind, for which and for a gatehouse of 14 feet long and 12 wide he hath already agreed with his workmen to finish up by Easter next. Some tenants he hath upon his land, which have about 60 head of cattle, and others he expecteth within a month or two out of England.

1,000 " 39. Robert Calvert hath only provided a lime kiln, and digged some quantity of stone towards building, and hath some timber felled in the woods. His tenants which are there present are 1 freeholder, 1 fee farmer and 8 other households Scottish, which have near 200 head of cattle on the ground, and arms for 9 men. Those tenants came to him from the L[ord] Burly and rest only upon articles of agreement with him, having no confirmed estates.

1,500 " 40. Sir John Huissher [Hume] is yet no further forward in his plantation than that he hath 6 or 7 tenants there settled with some stock of cattle on the ground, and, as they say, is providing his timber in the woods.

1,000 " 41. On George Smelhome's proportion there is neither building nor planting.

1,000 " 42. Robert Bogus hath neither tenants, cattle nor building on his allotment, nor is himself in the kingdom.

1,000 " 43. Sir Hugh Wirral hath not any tenant on his land in Clankally, which is the proportion that at first was bestowed on Thomas Plumsted. Six only he nominateth, of which one is in the kingdom, and the rest, as he saith, will be here by May next. Preparation for building there is not any.

" Lurghe. Undertakers.

1,000 " 44. Thomas Barton hath raised two sides very near of a bawn of stone and clay to the height of 5 feet, hath stuff in readiness for finishing the rest and 2 or 3 masons at work, being

acres

himself alone upon the place, without servant or follower, and hath but one tenant, being hardly able, as I conceive, to go thereon with the plantation.

1,000 " 45. John Archedale only came over, viewed his proportion, took possession, and returned into England, leaving neither English nor Irish upon that land.

1,000 " 46. Thomas Flowrdew hath not yet begun any thing on his proportion in this barony.

1,000 " 47. Henry Hunnings hath joined one Sipthorp and Bacon with him in planting of his proportion. Some lime stone there is digged, some timber squared and lying on the ground, some few stones brought to the place where the bawn is intended. 5 or 6 tenants there are, of which 2 freeholders, who are sufficiently provided of arms.

1,000 " 48. Mr. Sutton, who holdeth the proportion at first granted to Edward Warde, hath only a boy upon the land, who the last year set it out to the Irish for grazing, and now it lieth altogether waste and neglected.

1,500 " 49. Thomas Blenerhasset is settled upon his proportion with his wife, children and family, and laboureth with the best conditions he can to draw tenants to him. 4 or 5 have taken land of him, others have promised shortly to be with him. Of arms he is sufficiently provided, some timber he hath felled and squared, and 90 barrels of lime he hath, and is preparing other materials towards building.

1,500 " 50. Sir Edward Blenerhasset supplieth his undertaking by his son, with whom there came over 2 or 3, rather to see the land than to settle there. No estates are yet made to any tenants, or any thing built or as yet preparing to be built upon that proportion.

1,000 " 51. John Thurston his proportion is by the Earl of Shrewsbury assigned to Sir Edward and Thomas Blenerhasset, so that they have each of them 2,000 acres, which yet remain unplanted.

" Coole [and] Tyrcannada. Servitors.

1,000 " 52. Capt. Cole upon his 1,000 acres hath built a watermill, and hath lime stone and sand ready for his bawn and house, with 150 ton of timber ready felled and squared for that work; having made choice of a fit piece of ground on a strait of Lough Erne, where he purposeth to seat himself, and had long since finished the same, but that for these two summers past his employment in building up the castle and bawn of Eniskellin, with the 2 bridges over that lough, hindered him: by mid-summer next he undertaketh to perform wholly his conditions.

" Towards the corporation of Eniskellin he hath drawn together 12 burgesses, of whom he hath good bonds to build their habitations this next summer, besides divers carpenters and other artificers that purpose to settle there, who are about the works now in hand. And he hath provided at his own

acres

charge clay and wood for the making and burning of 300 thousand of brick, and tile proportionable, with good store of timber for the works of that corporation.

1,500 " 53. Sir Henry Foliot hath caused a great Irish house to be framed upon his proportion, for present succour of his workmen, and hath brought to the place so much stone as may serve very near for the whole work intended both of house and bawn, which shall be situate near to a ford or passage for the best security of those parts. The work is presently to be taken in hand and finished with all expedition.

1,000 " 54. Capt. Gore hath only sent people to the woods to cut timber for his building.

1,000 " 55. Capt. Atkinson hath built an Irish house strongly timbered and very large, and hedged in a garden plot, hath some of his people upon the land, and purposeth himself with his wife and family instantly to settle himself there and to go forward with the work of his bawn.

1,500 " 56. Con McShane [O'Neill] hath only begun a bawn of earth and sod.

2,000 " 57. Brian Maguire hath divers masons on work hewing of quoin and splay stones, and preparing materials for his building, which by his diligent beginnings, it seemeth, he intendeth substantially to perform.

" Maghe[r]yboy. Undertakers.

1,500 " 58. Sir John Davis hath built nothing within the circuit of his proportion: only upon the Abbey land of Lisgoole, belonging also to him and not far distant, with help of the ruins of a church, whereof part was standing, by addition of new work he hath raised a stone house to the top of the second story, of 65 feet in length and 21 in breadth, flanked on the one side with a staircase which juttieth out; the other sides shall happily be defended by the bawn, which is not yet begun. The house is of good strength of walls, and is seated near the lough side on that peninsula of Lisgoole, where in my opinion it standeth little in stead for assurance of that quarter or purpose of answering service if need should require.

1,000 " 59. The proportion assigned to Jerome Landsey [Lindsey] (by some agreement between them) is undertaken by Captain Cole, who hath placed upon it 1 freeholder and 3 leaseholders, which are bound every of them to keep 3 Englishmen in their houses, with arms sufficient, and they have their goods and cattle on the ground. The bawn he promiseth with all speed shall go in hand.

1,500 " 60. Robert Hamelton hath built a water mill on his land, hath brought 5 or 6 tenants to inhabit there, of which 2 are freeholders, hath of his own stock upon the ground some 40 cows, 24 young cattle, 20 oxen, 10 mares, and 2 horses of service, which he transported out of Scotland. His building is not yet in hand, but at this instant is hiring of workmen for the same.

acres

1,000 " 61. James Gib hath done nothing on his proportion, nor hath any in place to answer for his plantation.

1,000 " 62. Alexander Hume hath one or two upon his land, and hath built nothing. It is made over, as I understand, to Sir John Hume, who letteth the same to George Hume his son.

1,500 " 63. Upon William Fuller's [Fowler's] proportion there is yet no beginning of building or planting.

1,000 " 64. John Donbarre hath built a dwelling house of indifferent strength, for the time, of stone and clay, with a preface of lime, the roof thatched. Stones and other materials are providing for the bawn. Tenants as yet upon the land there are not any, but 3 or 4 of his people upon the said mansion; he hath also set up a watermill.

2,000 " 65. Sir John Hume hath built his house of lime and stone, 3 stories high, of good strength scoured on one side from spikes of the staircase, and on the other with 2 small flanks, jutting out on corbels from the corners of the third story; it is 51 feet long and 21 broad. 4 or 5 of his people are on the place, but as yet no estates made out to any tenants. Workmen he hath sent out of Scotland to take in hand the bawn, of which some were newly arrived whilst I was there. Of cattle he hath above nine score head upon the ground.

" The County of Donnegal.

" Boylagh and Bannagh. Undertakers.

" In the barony of Boylah and Bannagh, which consisted of 10,000 acres and is divided into 8 proportions, I found not any of the principal undertakers that are nominated for that precinct to be there present. Howbeit the several proportions, for the most part, are sufficiently peopled by such of the Scottish as are settled there to the number of 100 or six score, with their goods and cattle, especially those of Sir Patrick McLee [McKee], Patrick Vans, William Stewart and Alexander Donbarre.

1,500 " 66. Upon the L[ord] Broughton's proportion there is not yet anything built save a slate house for the present, where his wife and family live.

2,000 " 67. At the land undertaken by the L[ord] Bomby nothing is yet done nor any tenants planted.

1,000 " 68. Alexander Cunningham hath set out the greatest part of his proportion to Sir Thomas Chichester in lease, who hath undertaken on his behalf to perform the conditions of building by the 15 of June next; but hitherto hath effected nothing towards the same; the Irish as yet remain upon the land.

1,000 " 69. Upon James McCulloch his share there are only 3 or 4 tenants Scottish, and nothing built.

1,500 " 70. William Stewart hath repaired and made strong a bawn of lime and stone which was in McSwine's town within his proportion, and hath built a small gatehouse of 3 stories high of stonework, having workmen and materials for other buildings, and the land well inhabited.

acres

1,000 "71. On Alexander Donbar's proportion there is already standing an old castle and bawn of competent strength, and materials providing for some new fabric, part of the lime being already burnt, and the land well inhabited.

1,000 "72. On Patrick Vans his proportion there is no work as yet done, only the same thoroughly inhabited.

1,000 "73. Sir Patr[ick] McKee hath built a house of stone and clay upon a rock inaccessible on one side, being of 33 feet in length and 18 in breadth, 2 stories high, an Irish roof of birchen wood, as yet uncovered, and it standeth within a course of stone and earth without flanks, 72 feet long and 45 broad, the wall being 5 feet thick till it comes to the parapet, and then 2 feet, the gateway being only wrought with lime and sand and the work not yet perfectly finished. His land is sufficiently replenished with tenants.

"Portegh [Portlough] of the Barony of Rapho. Undertakers.

1,000 "74. John Cunningham is resident upon his proportion, himself, his wife, and family, and hath repaired and made strong the old castle and bawn or fort of Donboy, hath built a watermill, hath his grounds well stocked and tenanted, according to the covenant of his Majesty's grant.

1,000 "75. James Cunningham is seated on his proportion with his wife and family and hath only 3 tenants thereon; he hath not built any thing, nor estated the same according to the articles, pretending that part of his said proportion is detained by Sir Rafe Bingley and others by former grants from his Majesty.

2,000 "76. Sir James Cunningham hath his agent lying upon his proportion with a good stock of his in his hands; there are also upon the land about 13 families, nothing as yet built, only some timber providing, neither hath he fully set out his land, nor brought over his number of people required, alleging the want of 2 quarters of his proportion passed formerly to others.

1,000 "77. Cuthbert Cunningham hath his land sufficiently peopled for number of families, yet hath he not yet made them any estates of freehold or lease. His agent is there resident, with a good stock of cattle, but hath not yet begun to build: some materials he hath in readiness towards the same.

1,000 "78. Alex[ander] McAwly hath his complete number of tenants, of which there are not any as yet estated in freehold, neither hath he built any thing.

3,000 "79. On the proportions assigned to the Duke of Lenox,

1,000 "80. to Sir John Stewart,

1,000 "81. to Lord Minto,

1,000 "82. on [*sic*] the Lord Donduffe, I found not any man to give account of their purposes, but, as I was informed by their neighbour undertakers and others, these parties are as yet wholly unplanted.

acres

" Liffer. Undertakers.

1,000 " 83. Sir Henry Clare hath sold his proportion to Benson and Tirry [Terrie], who are bound to the conditions required. They have already built 2 houses of lime and stone of sufficient strength, themselves with their wives and families, goods and stocks live upon the place, and are now in hand with a substantial bawn, of stone likewise, conveniently flanked and fitly situate for safety of their tenants, of which some are there inhabitant, the rest to come speedily thither, so as, I suppose, there will be no default in their performance.

2,000 " 84. William Wilson and Thomas Wilson on their proportion of 2,000 acres [have] begun a substantial building of lime and stone on an eminent place within their precinct, which is already in good forwardness, and in likelihood will prove of good strength. William Wilson, with his wife, children, family and stock, is resident there, and hath planted some few tenants on the land, his brother being now in England to draw over others. Freeholders and leaseholders as yet they have not made any, neither on that proportion nor on the proportion allotted to William Barnes, which is undertaken by moieties between them and Sir Richard Hansard, alleging, for the first, (not untruly as I conceive) the badness of the proportion, and for the other, certain challenges of some part thereof by others, not yet decided, notwithstanding which they intend (with some small toleration) to accomplish what they are bound unto.

1,000 " 85. Sir Thomas Cornewall hath as yet wholly neglected his proportion.

1,000 " 86. Captain Mansfield hath caused the foundation to be laid of a fair bawn and house near to a principal passage of ford in those parts, which will be to good effect: the walls are already raised to some height, being of lime and stone, and workmen now in hand with the same. Some tenants, albeit not yet his full number, nor estated as they ought to be, are engaged on the land. His hindrance hath been the want of a good part of his proportion, which is either formerly granted or wrongfully withheld by others, for which he expecteth reparation upon his suit now depending for the same.

1,500 " 87. On Captain Russel his proportion there is yet little done for matter of building required: he hath only raised 3 timber housen of English frames and placed some few tenants on the land, his son being there to attend the further prosecution of that business.

2,000 " 88. Sir Robert Rimington's proportion is by him made over to Sir Richard Bingley and he again is in hand to pass it to his brother Sir Rafe Bingley, who expecteth daily to receive the conveyance from him, and thereupon intends to proceed according to the articles of plantation.

2,000 " 89. Sir Maurice Barclay's proportion is now in the hands of Sir Rafe Bingley and Captain John Vaughan, who have undertaken the performance of the conditions, towards which Sir

acres

Rafe hath his clay already cast, and his workmen ready to make 20,000 of brick for building on a plot of ground strongly seated by nature and to good purpose of service. He hath already built at his own charge 7 tenements, with chimneys, and hath tenants in them estated, as is required. Captain Vaughan, for his share, allegeth that he came to it but at Allhallowtide last, that the Irish tenants have their corn sown in it, and time till Michaelmas next, and that he hath agreed with one Clinton and 9 Englishmen more to settle there and build 10 English houses this next summer.

1,500 " 90. Sir Thomas Cooche is himself dwelling upon his proportion, he hath his stone brought together, and his lime burning to make a house and bawn this next summer. 5 English tenants he hath on the land, with estates of freehold and fee farm, and others he will speedily furnish (if he be constrained to hold that proportion in the nature of a British undertaker) wherein he hopeth for favour. Three tenements he hath built at Scarfollis at his proper charge.

1,500 " 91. Sir William Barnes hath made sale of his proportion to Captain Russel and Thomas Wilson for 50*l.* sterling, from whom Sir Richard Hansard purchased a share for 100*l.* with condition to perform the stone building, according to Sir William Barnes his contract with his Majesty, as also to plant a third part of the households, towards the performance whereof he is providing materials, and promiseth to see all covenants performed on his part by Christmas next.

" Kilmackrenan. Servitors.

1,000 " 92. Captain Crayford [Crawford] hath caused a mass of stone to be brought together for building of a bawn and house, other materials he hath not any in place.

1,000 " 93. On Captain Kingsmeal's proportion is not yet anything begun.

1,000 " 94. Captain Stewart hath built a bawn or sconce of stone and clay from the foundation to the parapet, the angles of the flanks and pointings being with lime, It is about 80 feet in length and 70 in breadth, and 1 foot thick, three parts of it 11 feet high besides the parapet, which [is] on two sides of 4 feet height of sod, and on the third as much of stone, the fourth side not being above 7 feet high of stone, and raised to the height of the rest with sodwork, which is fallen down; it is flanked with a round at one angle of 8 feet diameter within, and at the opposite angle with a sharp pointed bulwark, the face of 22 feet and the flank of 2 feet. There is a house within not fully finished of one story and half thatched and unfloored.

1,000 " 95. On Captain Brookes his proportion there is standing a stone bawn of sufficient strength, somewhat decayed, wherein he purposeth to erect a house of 50 feet long and 18 wide, having ready at the place 140 pieces of timber for the frame of the house, which with the reparation of the bawn shall presently be taken in hand.

acres

1,000 " 96. Sir Richard Hansard hath only the reversion of a proportion of 1,000 acres, whereupon I suppose he is not, as yet, enjoined to build.

500 " 97. Sir Thomas Chichester hath only 500 acres whereon there is not any thing built.

2,000 " 98. Sir Mulmory McSwine hath built 2 good Irish housen, and hath brought some store (and is bringing) of stone for his bawn and house, other materials he hath not in readiness.

2,000 " 99. McSwine Bannagh hath done nothing on his proportion.

2,000 " 100. Turlagh Oboile hath laid the foundation of a stone-house, 40 feet long and 18 wide within the walls, and of 3 feet of thickness, and hath 7 masons at work cutting and squaring of stone, with other workmen, and labourers hastening forward his building.

2,000 " 101. McSwine Fanid hath brought together such quantity of stone as may serve for his bawn, and hath some masons at work.

896 " 102. Walter McLaghlin McSwine hath built 3 new Irish housen, well timbered and large, one of them with a double chimney of stone, which standeth in a Danes fort, strongly seated. He hath lime and stone ready for a building plotted in the same fort, at the end of his Irish house, for a refuge if need require.

1,000 " 103. Sir Rafe Bingley hath standing upon his proportion the walls of some chapel, which are yet entire, the sides being 40 feet in length and the ends 13 in width within the walls; of them he intendeth to make a house and to add a bawn to it of good defence, for which there lieth stone ready in place, with some other materials, and he hath agreed with his workmen to finish the same by Easter next, 1613.

1,000 " 104. On Captain Henry Vaughan's proportion there is standing the body of a castle of lime and stone of 28 feet square, within a bawn of competent strength. The castle wanteth a roof and flooring, and the bawn a gate. He hath timber cut for the same, and will perfect that work this next summer.

500 " 105. Sir Richard Bingley hath 500 acres near to Castle Doe which are now in the possession of Captain Samford [Sanford], who holdeth Castle Doe near adjoining.

1,000 " 106. Captain Harte hath a castle with a bawn at Ballinasse within his proportion. The castle is uncovered, and somewhat ruined; the bawn, which is of 100 feet circuit, standeth entire. He hath 3 English tenants on his land, of which one, that is a freeholder, is enjoined to the building of a stone house, which must be finished this next summer, as appeareth by the indentures between them.

1,000 " 107. Captain John Vaughan, for his servitor's proportion in this barony, hath not yet built any thing, for which he allegeth his absence in England and extremity of sickness, and that, until the last coming into these parts of the Surveyor,

acres

the land was so in controversy that he had no certain place to build in, but promiseth this summer to perform what he is enjoined unto.

"The County of Ardmaghe.

"Oneyland [Oneilan]. Undertakers.

2,500 "108. John Brounlo the father with his wife and family, together with his son William Brounlo, are resident on their proportions, having fitted themselves for the time in a house which they patched up of stone and clay, on the ruins of an old chapel, being in a place of good safety on that side of Lough Chichester. Their stock of cattle they have on the ground, but as yet very few tenants; those which John Brounlo brought over, which were 40 or 50, by reason of the hardness of the country having all forsaken him. Howbeit by that time he hath perfected his building, which he hath now in hand, both of a bawn and house, for which the most part of his materials are in place in a well chosen seat for that purpose, he doubteth not but to people his country sufficiently; to which end he is building of certain tenements, whereof 2 are already finished, and other frames set up, where his town shall be, and hath a windmill ready framed and presently to be reared.

1,000 "107(1). Mr. Matchet hath made a square bawn of timber clefts of good thickness 10 feet in height rampiered within with earth and sods to the height of 6 feet having 2 whole flanks, each side of the bawn containing 40 yards, a house with it of timber work on groundsels a story and a half high, and purposeth a brick house in that place, for which he hath about 40,000 of brick ready for the kiln. He hath made 3 freeholders, and 4 lessees for years. His wife and family resident there, and his stock on the ground.

2,000 "108(1). William Powel his proportion is now in the hands of Richard Rowlestone, who hath set up a windmill and erected there 8 tenements, and hath the frames of 4 other ready to be erected. There are 100,000 bricks ready burnt, and as many more ready for burning, with lime and other provisions lying in readiness for making of a brick house and bawn, whereof the foundation is laid. He hath his full number of freeholders, leaseholders and cottagers with their goods and cattle on the ground.

2,000 "109. Sir Anthony Cope hath built a fair house of hewn stone with clay, of great charge, which being brought to perfection a great part of it fell suddenly down, so that the whole must be demolished to the ground and newly raised with lime, which as yet is not taken in hand by his agent there for want of direction. There are no tenants as yet come over, but a certain agreement was showed me whereby a part of that proportion is made over to certain gentlemen in England, who are to bring thither such families as shall plant the same.

(1) These numbers appear to have been inadvertently duplicated.

acres

1,000 "110. Richard Rowlestone hath made a bawn of 80 feet square of sod and earth, of 12 feet high, flanked, palisaded and ditched, where himself with his wife, children and family resideth, and hath set out his land according to the articles, to sufficient persons, who have settled themselves under him.

2,000 "111. John Heron, who holdeth the great proportion formerly allotted to Joseph Warde, hath built in two several places 2 bawns of cleft wood of about 10 feet in height, with a small ditch about them, which are to be rampiered within side with sod, which in part is done. There are resident on the land 15 families estated according to the rules of plantation, and others are expected with the said John Heron, who is now in England.

1,500 "112. William Stanhow hath not yet performed nor provided anything towards building; there is only an agent there resident for him, who expecteth his coming out of England, or directions from him for proceeding in that business.

2,000 "113. Francis Sacheverel hath built a bawn of stone and clay of 66 yards square with 4 rounds at the angles, the walls, not yet above 7 feet in height, being 2 feet thick. An English thatched house within of 36 feet long and 18 broad, and the foundation laid and raised to the first floor of a house of 50 feet long and 24 feet broad of lime and stone, with sufficient materials in place to finish it. There are yet but few tenants on the land, but he is daily expected out of England with his full number.

1,500 "114. John Dillon is dwelling himself with his wife and family on his proportion, having built thereon divers tenements, besides certain small buildings within a strong rath or list (to serve hereafter for offices) where he now remaineth; he hath planted on his land (as appeareth by the deeds) 28 several families, who are for the most part of them enjoined to convenient building and arms, and both himself and they well stocked with cattle and stud for breeds. He hath cast his clay for brick, and made other provisions ready for a stone house to be set in the said rath, which he purposeth to fortify and make defensible with all possible speed.

"Fewes. Undertakers.

3,000 "115. Henry Acheson answereth both for Sir James Dowglas his proportion of 2,000 acres, and his own of 1,000. Upon Sir James his proportion there is not yet anything built. Upon his own there is the beginning of a bawn of clay and stone of some 40 yards square with 4 round flanks, the wall being of a yard thickness, whereof there is about 20 yards raised to the height of 4 feet, a good quantity of stone in place, both to finish the same and the house which he intendeth therein, for which there was limestone ready to be burnt. He is himself there present with his people in a slight house, which he hath built for the time, and there are planted on both those proportions to the number of 47 British families.

acres

1,000 "116. Upon James Creage [Craig] his proportion I found not any that could inform me of his purposes. He hath caused a mill to be built, and some pieces of timber to be brought in place for building. I had speech with a dozen Scottish men, then newly arrived, who affirmed that they were sent thither to inhabit on that proportion, but had not as yet any estates passed to them.

1,000 "117. William Lauther [Lawder] hath not yet built any strength on his proportion. His son is there resident on the land, and himself daily expected. There are about 12 British families planted on the same.

1,000 "118. Claud Hamelton having two years since begun a stone bawn of about 50 yards square, and raised the walls to the height of 5 feet, with 4 small rounds for flanks, by reason of the Dean of Ardmagh's challenge to five or six towns of his proportion hath ever since desisted from that work. He hath upon that part of his proportion 2 tenants, and purposeth to go forward when he hath finished his work in the county of Cavan.

"Orier. Servitors.

500 "119. The Lord Awdley hath not done any thing on his 500 acres.

1,500 "120. Sir Oliver St. Johns hath caused a strength to be made in manner of a fort or sconce of earth and sod, of about 40 yards square within, substantially flanked and ditched, with a strong palisade fastened in the rampier, and extending between 4 and 5 feet above the parapet, and hath stone and materials there in place for the building of a pile or castle in the midst thereof, which is speedily to be taken in hand.

1,000 "121. Sir Garret More hath caused sufficient quantity of stone to [be] digged and brought in place with good store of lime and sand for the building of a house and bawn, and hath divers masons and labourers at work for the furtherance of that business and the best part of his timber ready provided, intending this summer to perfect the same.

2,000 "122. Sir John Bourchier, for his own proportion and the other adjoining, which was first granted to Sir Francis Cooke and is now in Sir John Bourchier's hands, hath laid the foundation and raised a good part of his bawn of lime and stone, being 100 feet in length and 80 in breadth, well flanked and of good strength of wall, hath brought to the place and broken up at the quarry a good quantity of stone, prepared his lime, and hath workmen there in hand with the work of the bawn and of the stone house which is plotted therein, for which he hath part of his timber ready felled and drawn out of the woods, and hath agreed with carpenters for sawing, squaring and fitting the same for his building, and hath also bargained with a millwright for setting up of a watermill on his proportion with all convenient speed.

acres

1,000 " 123. Sir Thomas Williams hath only caused a small bawn to be made of stone and clay unflanked, and not yet raised above 6 feet in height.

1,500 " 124. Henry McShane Oneale hath not strengthened his proportion with any building.

" The County of Tirone.

" Precinct of Mountjoye.

" Donganon. Undertakers.

1,500 " 125. Sir Robert Heyburne [Hepburne] hath made a square bawn of clay and stone, each side of 46 yards in length, a foot thick, exceeding rough work, and not yet raised to above 5 feet in height, with two rounds, which scour three parts of the same; on the fourth side is laid out a court or yard of 56 feet square and 6 feet in height, which jutties out for defence of that side. The dwelling house which is built within the bawn hath the walls likewise of clay and stone of 40 feet long and 20 wide, 2 stories high besides the roof, and thatched. His agent is resident on the land, and of tenants there are to the number of forty persons with their goods and cattle. Upon what terms for their estates, by reason of Sir Robert his absence in England, I could not certainly learn.

3,000 " 126. The Lord Uchiltree hath begun a house of lime and stone of 60 feet long and 20 broad within the walls which is brought up to the height of the first story; good store of materials are in readiness for advancing of the work, and workmen in hand with the same. There was not any on the land to give account what tenants were planted or what estates were made, but by reports of those of the country there were not so few as 12 or 13 families there settled, albeit as yet many of the Irish remain upon the land.

1,000 " 127. On the Lord Lochnorrit's [Lochnorris's] proportion I found not any to answer for that plantation. The Irish live yet on the land, and of any British inhabitants or new buildings I could hear nothing.

1,000 " 128. Robert Lindsay hath set a mill on his proportion, planted 12 or 13 tenants with their families thereon. Their estates his agent could not acquaint me with all. He hath sufficient provision of arms himself and his people, and a good stock of cattle, but hath not as yet built any bawn.

1,000 " 129. Upon Bernard Lindsaie's proportion, which lieth towards the mountains and is extremely rough and scarcely habitable, there is as yet nothing performed. He sent over divers (as I understand) to settle there, who at the first view of the barrenness thereof made their instant retreat, and Sir Francis Roe, whom he entreated to assist him in that plantation, could not yet draw any man thither, so that in a manner it remaineth wholly waste.

acres

1,000 "130. Robert Stewart of Halton [Hilton] hath built a dwelling house of lime and stone, of one story with the roof floored; it is seated in a Danish fort which he purposeth to make strong by scouring the ditch and raising the rampier thereof. Himself with his son, and 4 or 5 more his tenants, of which there is not any freeholder, are resident on the land, with some small stock of cattle, and the Irish are yet there remaining.

1,000 "131. Robert Stewart of Roberton his proportion resteth yet on the same terms that he received it.

"*Here is to be inserted the Lord Deputy his plantation at Donganon as in the book delivered to his Majesty.

"Servitors.

2,000 "132. Sir Thomas Ridgeway hath made choice of a fit place within his proportion for the seat of his bawn and castle, and hath passed an agreement on bonds with masons and workmen for the building of his bawn of lime and stone of sufficient strength for form and workmanship by Michaelmas next. There are lying near the place about 1,300 feet of hewed stone, which he hath caused to be wrought for coins and windows of the castle there to be built, hath felled 24 timber trees and sawn 9,000 feet of plank for the same building.

2,000 "133. Sir Richard Wingfield hath chosen the ancient seat of Benburbe for the fittest place in his proportion to fortify, where already he hath workmen in hand with his bawn (being on two parts inaccessible) which both by situation and art will prove of exceeding strength; there are already 26 yards raised to the full height of 10 feet of lime and stone, another part of 20 yards of length, as yet but 4 feet high, side which is to serve for one wall of the house or castle of 48 feet of length, wrought up to the first story, and all materials ready in place, and the hands of men, to finish up the whole work with all expedition.

1,000 "134. Sir Toby Caulfield for security of his proportion hath built a square bawn of special mark both for beauty and strength; the walls, being of choice stone and lime, are upward of 12 feet of height and contain each in length 60 yards; the 4 flanks which scour those walls or curtains, and each the other, overlook them by 6 feet at the least, with battlements both on them and on the curtains. His timber and other provisions are ready prepared for building a house with stone walls in the same, which now instantly is to be taken in hand, and some English tenants are already seated near unto the same.

1,000 "135. Sir Francis Roe upon his proportion of Mannor Roe is building a fort of 12 feet thick of sod and earth 70 yards square with 4 bulwarks, which may bear small ordnance, and a sufficient ditch about the same. Two parts thereof are very near finished, and he hath a good complement of timber ready squared in place towards the building which he intendeth therein, a good quantity of brick ready made for the kiln, divers tenements

acres

erected, a watermill with much charge of carriage of the water placed near the said fort. 9 or 10 English families there settled, and (which I would not omit) many causeys (casshes) or highways forced over the bogs, of substantial workmanship, whereof one containeth above four score pole in length.

1,000 " 136. William Parsons hath only yet brought some stone to the place where he meaneth to build, and hath burnt about 200 barrels of lime, having appointed workmen for present undertaking of the business.

480 " 137. Francis Annesley hath set in hand a bawn or small fort of 60 feet broad 80 in length of earth and sod, with convenient ditches and flanks, which by agreement is to be finished by the last of May, a great part thereof being already raised, and labourers daily attending the works.

" Natives.

4,500 " 138. Captain Turlagh Oneale hath caused some stone to be drawn together towards his building, and hath agreed with lime burners, purposing, as he saith, to finish his work by Allhallowtide next, and to grant such estates in his land as the conditions of plantation require. His brethren which are sharers with him in those proportions, the one of them is in Denmarck, the rest have as yet done nothing.

1,000 " 139. Brian Crossagh Oneale hath only digged a small trench and raised it 4 feet high, towards the making of a weak bawn, and provided couples for an Irish house, his land being no otherwise estated than before.

" Cloghor. Undertakers.

2,000 " 140. Sir Thomas Ridgeway, baronet, hath caused to be built and thoroughly finished on his proportion at Aghar, a castle of lime and stone of octagonal form, artly contrived for defence of itself and safety of those parts ; it carrieth four stories in height, and the square thereof 23 feet, battlemented on the top and leaded behind the battlements. A square bawn also of lime and stone of good strength is now under the mason's hands, and near half finished, whereof one side of the perimeter (the sides being of like length) containeth 160 feet, and is to be flanked with 4 round towers of 10 feet diameter at the angles thereof, with a fair gate of hewn stone already fitted, and is provided of 2 brass pieces to be mounted there. The one half of this proportion is set out by him to Doctor Medcalfe and Mr. Lancelot Carlton, who have undertaken and are bound to plant the same according to the rules of plantation, they having already stocked the same with cows and mares and settled 9 British families thereon, which are there resident with the said Carlton. On the other moiety of that proportion Sir Thomas Ridgeway hath built divers small tenements and hath 2 English houses of timber ready framed to be set up near the said castle, the number of families thereon already planted being 18, with such estates of freehold and lease as is required,

acres

the several tenants being enjoined to furnish themselves with sufficient arms.

1,000 "141. George Ridgeway hath caused lime to be burnt for his bawn, hath digged his stone and drawn to the place 300 car load, and masons are contracted with all for present undertaking of the work. There are also in place towards the building of a house 80 timber trees and above 80 sawn boards. Of families there are 11 resident on his proportion in copyhold and lease, whereof the counterpanes are in the hand of the Attorney of Ulster.

1,000 "142. William Turuin [Turvin] hath built three parts of a bawn of 10 feet high with clay and stone, and hath set off his land to William Greames and other inland Scots, of which 13 or 14 are resident thereon, with such estates and conditions as the plantation requireth.

1,500 "143. On Captain Edney's proportion (with whom his brother now in England was joined in the grant thereof) there is no more done than when the Lord Carew last viewed it, which is the foundation of his house raised to 4 feet of height, and timber felled and squared about a twelvemonth since for the same. Oconner Roe Maguire detaineth, as they say, 500 acres of that proportion, which is pretended the impediment of that plantation.

2,000 "144. John Leigh of the Omey hath undertaken the planting and building whereto Sir Francis Willoughby is bound, but hitherto hath but slenderly and slowly proceeded therein, having only made part of a wall for a house of clay and stone, of small strength, and set up some few couples for the roof, other timber being there in place for the finishing thereof. The Irish are still remaining on that whole proportion.

2,000 "145. The proportion undertaken by Edward Kingswell, which at the first was assigned to Thomas Roache, esqr., is by him made over to Sir Robert Newcomen and Captain Stewart, as I am informed, who are to plant the same. As yet there is not anything done thereon, nor any of the Irish removed.

2,000 "146. Sir Ant[hony] Cope's proportion, which formerly belonged to William Glegge, is altogether unplanted, the Irish yet continuing on the same.

1,000 "147. William Parsons, Surveyor, hath his brother resident on his proportion, and hath drawn 5 families thither. His bawn is already built of lime and stone of 12 feet in height, in square form, each side containing 20 yards with 2 round flanks at opposite angles; and part of his timber ready lying in place for rearing a house therein, which presently is to be taken in hand.

"Precinct of the Omey.

11,000 "148. The whole precinct of the Omey containing 11,000 acres, undertaken by the Lord Awdelay, his sons, and Sir John Davies, remaineth as yet unfurnished of castles, bawns or other

acres

strengths required by the rules of plantation: neither is there any settlement of British families, nor any undertakers granted for colonizing of these parts, the Irish inhabitants continuing yet on the same as in former times. Only the Lord Awdelay with his lady and household servants are resident thereon, who having about Christmas last very near finished a dwelling house of lime and stone of 40 feet long and 20 broad (as part of a great work, which he there intended) was much hindered and cast behind by a violent storm of thunder, lightning and tempest, which overthrew part of the said building, slew one of his workmen, and hurt divers others. The same he is now again re-edifying and purposeth to encompass it with a bawn of good circuit. It is situate within the woods in a plain of some 2 acres, which he [purposeth to make] the best seat for security of that part of the said precinct.

"Strabane. Undertakers.

4,500 "149. The Earl of Aberkorne, who undertaketh for the proportions of Straban, Donnulong, and that of Skean [Shean] assigned to Sir Tho[mas] Boide, hath planted those proportions with near a hundred householders, which have settled, and are settling themselves, with their stocks of cattle thereon, and are for the most part sufficiently provided of arms, besides his lordship's particular store. The estates of freehold and of lease (as by the specialties appeareth) exceed the number required by the articles. He hath caused a large thatched house about a square court to be built at Strabane for his present use, intending speedily to set forward such other edifices and strength as by the said articles he is enjoined unto, in regard to the said proportions.

1,500 "150. Sir George Hamelton with his lady, his family and stock of cattle is resident upon his proportion in a convenient house which for the time he hath built, having also caused to be set up very near three score Irish housen or cabins upon his said land for the present relief of his tenants and followers, who are estated according to the conditions, have good store of cattle and are well furnished with arms, besides his own competent provision. His lime is ready for the kiln, and his other materials drawing together for the structures required by the articles of plantation.

1,000 "151. George Hamelton hath only 8 or 9 tenants on his proportion, otherwise nothing done thereon. Sir George Hamelton (in his absence) answereth for that proportion.

2,000 "152. James Claphoune [Claphame] hath a sufficient house and bawn, which he found ready built at Newtoun within his proportion, and hath disposed of his land to his four sons. There are not yet above half his number of tenants on the land, the rest he purposeth to supply, and for any backwardness or omission of his in performance of conditions he hath recourse to his Majesty's mercy.

acres

2,000 "153. Sir Claude Hamelton hath a rough proportion, few or no tenants on his land, nothing yet built, nor prepared towards building, for aught that I could understand, himself not being in the country.

1,500 "154. James Haige's proportion is as yet untenanted, nothing built upon it, and himself absent.

1,000 "155. Sir John Dromond hath his lady with his stock and servants in the country, hath made his estates of freehold and lease. 9 or 10 households are already seated on the land, with their good and cattle, and some quantity of lime stone and timber is prepared for his building."

Note.—The names in square brackets indicate the more striking differences between this survey and the documents printed in Hill, An Historical Account of the Plantation of Ulster, *i.e., the list of grants from the Patent Rolls and the survey made by Nicholas Pynnar in* 1618-19.

INTERROGATORIES ministered to RICHARD DILLON of Prowdston, esq., by the LORD DEPUTY and COUNCIL.

1617[-18], Feb. 26.—1. Whether he knew one James Dillon a priest.

2. Whether the said James was entertained by him in his house and lodged there at any time since beginning of that month, and what other persons were in his company, and in particular whether John Welch was at his house and lodged there since the time aforesaid.

3. What news or reports the said priest did utter unto him touching the Archbishop of Canterbury or any matter of State.

4. Whether he had since the beginning of the month reported that the said Archbishop was committed in England, and to whom and upon what grounds.

Cf. the examination of John Welshe in Cal. S.P. Ireland, 1615-1625, *p.* 148.

The ANSWERS of RICHARD DILLON of Prowdston, esq., to the above Interrogatories, taken before the LORD DEPUTY and COUNCIL.

1617[-18], Feb. 25 [*recte* 26].—1. He does know James Dillon, priest.

2. The said James came to his house and was lodged there since the beginning of the present month, and no other person was in the said James' company but a little boy. He knows no such person as John Welch, nor was any such to his knowledge entertained or lodged in his house during that time.

3. The said James did not utter unto him any news or reports concerning the Archbishop of Canterbury or any matter of State.

4. He has not uttered any report that the Archbishop is committed in England; but he hath heard such a flying report. Calling himself to a better remembrance, he doth confess that

there came with the said priest a young man that he was told was brother to the clerk of Skrym [? Skreen] named Welch; that he did walk in his hall with that man on the next morning, but doth not remember that he demanded of him any news; that while they so walked there came in another young man whom he that came with the priest called cousin, who stood by the fire, but that they both departed before they did eat their breakfast.

Signed: "Richard Dyllon"; *also* "Ol. St. John; Tho. Dublin Canc.; Hen. Docwra; Fra. Annesley."

The EXAMINATION of RICHARD DYLLON of Prowdston, co. Meath, before the LORD DEPUTY and COUNCIL.

1617[-18], Feb. 27.—He confesseth his examination taken by the Lord Chancellor to be true in all points, and further confesseth that he told John Welsh that he heard the Archbishop of Canterbury was committed to the Tower for two articles of treason, as they are *verbatim* set down in the examination of the said John taken the 25 of this month. And that the report was made by David Verdon a priest at the house of one Marcus Draycott of Stedbolt (?), co. Meath, in the presence of himself, the said Marcus and others, but being a stranger he remembers not who they were.

Signed: "Ol. St. John; Thos. Dublin Canc.; Brabazon; Hen. Docwra; Dud. Norton."

Overleaf: Memorandum to the effect that the above examination having been read to the said Richard Dillon upon May 6, 1618, at the Council Board, he confessed it to be in all points true, but more of the matter he could not say. *Signed:* "Ol. St. John; Thos. Dublin Canc.; Hen. Docwra; Will. Jones; Dom. Sarsfelde; Willm. Methwold; Ad. Loftus; Hugh Montgomerie."

The EXAMINATION of NICHOLAS HOLLYWOOD, the younger, [taken before the LORD DEPUTY and COUNCIL].

1617[-8], March 3.—He saith that going from Dublin to the Nall about Christmas last he there reported to Mr. Caddell for news that he heard that the Archbishop of Canterbury was committed to the Tower, which was told him in the Castle of Dublin by Patrick Duffe the priest, now prisoner there, who said the cause was upon a falling out betwixt the Archbishop and the Earl of Arundel or the Lord Montague, whereof one of them complained to his Majesty, as also that the Archbishop had spoken something against the match with Spain.

He further saith that about a week after he thinks he told the said report to Mr. Marcus Draycott with whom he was riding betwixt Gormanston and the Nall. He never told it to David Verdon the priest, but he heard the said David and Mr. Caddell talking of it at the Nall, but which told the other he knows not. *Signed:* "Nicolas Holiwode."

The Estate of Thomas Rowth.

1641, December.—A particular of the estate forceably taken from Thomas Rowth by Manus Magilligan, Chief of the Magilligans, then living in Magilligan in the parish of Tamlaghtard, co. Londonderry, and by Mary Magilligan, his wife, *alias* ne Mullan, on or about Dec. 16, 1641.

The total amount of the loss was 509*l.* 4*s.* and included, in addition to repairs to his dwelling house and buildings, etc., furniture and household stuff, 30*l.*; 19 great draught oxen, 2 year fed, 80*l.*; 18 milch cows, 43*l.*; 64 English sheep, 16*l.*; 7 horses and mares, 30*l.*; 3 bulls, 5*l.*; 40 head of 3 year old, 2 year old and year old steers and heifers, 26*l.*; 3 stacks of rye, about 80 barrels, 54*l.*; 3 stacks of Scotch barley, ditto, 50*l.*; a stack of oats, about 40 barrels, 12*l.*; wheat and peas, 5*l.*; 2 great stacks of hay, 10*l.*

Witnessed by John Rowth, Thomas Davis, Hugh and Robert O'Mullan, Fardaragh Magilligan, Owen McGroerty, William Mickle, Alce McKnogher *alias* Fowler, Onagh Keirberry, Tirlogh O'Chane. *Copy.*

The Deposition of Matthew Stacy, one of Capt. Robert Fitzgarrat's Troop.

1672, Nov. 2.—I was under the command of Lawrence, Lord Esmond, in the fort of Duncannon the beginning of the rebellion and continued there until it was yielded to Preston, who besieged it. I have several times seen Sir Thomas Esmond come to the said fort to treat with his father, and my lord has taken a guard with him a distance from the fort to discourse with him and said that he would not admit Sir Thomas nor any other rebel to enter our garrison so long as he lived. During the time of our being besieged Lawrence Larcan, who was at that time lieutenant to my lord, several times looked over our rampart with his prospect glass and showed me a man wearing a scarlet cloak whom he said he knew to be Sir Thomas Esmond, which I have made several shots at. All which at the request of Capt. She I do hereby certify. *Signed:* "Mathew Stacye." *Endorsed:* "Mathew Stacy, witnesse, 24 Dec. '72."

A History of the Early Kings of Ireland.

[About 1750.]—A MS. history in the autograph of Walter Harris commencing with the succession of Conmaol (numbered 30 in the order of Kings) in the year A.M. 2981, and ending with the death of Daithy, King of Connaught, in the year A.M. 4352 or A.D. 428. In a paper volume of 37 written (and some blank) pages. The first 8 pages are missing, but from the index at the end it appears that they dealt with the 29 earlier Kings from Slaing to Ethrial. Following the History are two tables:—(i) "A table comprehending the years of the lives of the first 10 Patriarchs to the Flood, according to the

Hebrew, Greek and Samaritan calculations;" (ii) "A table comprehending the Patriarchs after the Deluge to Abraham, according to the Hebrew text Gen. ii, c. 10." Upon the last 5 pages is the index.

Endorsed in the same hand: "See Sir James Ware's Annals H.8 *ad annum* 1536. Something of a prophecy. See among the Bishop of Clogher's books now in the College Library in a collection of tracts marked no. 190, a tract concerning Prophecies found at Donnybrook."

Loosely inserted in the volume is an original letter dated 1746 *from Walter Harris to Mr. Edward Exshaw, desiring him to send his account properly made up and to remember that there were three books of the county of Down disposed of in London for which he had been given no credit in the former account. Also a sheet containing a chart showing the differences in their chronology between O'Flaherty, Keating and Lynch.*

The History of Ireland.

[About 1750.]—"An Index to the Antient History of Ireland" in the autograph of Walter Harris, upon 44 pages loosely sewn together. It is a very full index, and under "Ireland" is a complete list of Kings, from Slaing at *p.* 8 to Roderick O'Connor at *p.* 259.

It does not appear whether the History to which this is an index was the work of Walter Harris, but it very probably was, as his Hibernica (*published, in two parts, in* 1747 *and* 1750) *commences at the period with which this ends. It is not an index compiled by him for any of the works of Sir James Ware which he edited, nor for any of those of Geoffrey Keating, Roderic O'Flaherty or John Lynch.*

XVI. ROYAL LETTERS AND LETTERS FROM THE LORDS OF THE COUNCIL, ETC., MOSTLY TO THE EARLS OF HUNTINGDON AS LORDS LIEUTENANT OF LEICESTERSHIRE AND RUTLAND, AND OTHER DOCUMENTS RELATING CHIEFLY TO COUNTY AFFAIRS.

HENRY VIII to [HENRY GREY, third] MARQUESS OF DORSET, and [? GEORGE HASTINGS, first] EARL OF HUNTINGDON, Commissioners for the Subsidy in Leicestershire.

[c. 1543.]—Instructions for collecting the subsidy granted 34 Hen. VIII. *Facsimile sign manual.*

HENRY VIII to FRANCIS, second EARL OF HUNTINGDON.

[? 1544.]—To furnish 150 footmen (30 archers and the rest billmen) and 20 horsemen, for the invasion of France. *Facsimile sign manual. Signet. Date torn away.*

The LORDS OF THE COUNCIL to FRANCIS, second EARL OF HUNTINGDON.

1560, July 20. Grenewich.—To discharge the muster-master in his lieutenancy, as to continue the musters "in this busy time of harvest and variable weather" would hinder the Queen's subjects in getting in their hay and, consequently, their corn. *Signed.*

QUEEN ELIZABETH to HENRY, third EARL OF HUNTINGDON.

1570, Nov. 15. Hampton Court.—Discharging him from his commission of lieutenant general in the counties of Leicester and Rutland, to which he was appointed during the late rebellion in the North. *Sign manual. Signet.*

ROBERT, EARL OF LEICESTER, to the COMMISSIONERS FOR MUSTERS in LEICESTERSHIRE.

1584, March 29. The Court.—You were long ere this to have sent up a certificate of the musters in the county. If it be not here before order be taken for new musters, which is now in hand, your default must be known to her Majesty. You are the only commissioners that have made such default. *Signed.*

The LORDS OF THE COUNCIL to the HIGH SHERIFF and JUSTICES OF THE PEACE of LEICESTERSHIRE.

1584, March 31. Westminster.—Requiring them to contribute and collect money for the relief of the inhabitants of the town of Namptwiche, in the county of Cheshire, where on Dec. 10 800 houses and goods to great value were destroyed by fire. *Signed.*

The LORDS OF THE COUNCIL to the RECEIVERS OF REVENUE and COLLECTORS OF THE LOAN in the County of LEICESTER, etc.

1591, June 25. Grenwich.—If required by the Lord Lieutenant, or others authorized, you are to deliver any of her Majesty's money in your hands by colour of your office, for the expenses of the soldiers levied in Leicestershire to be sent into France, and the same shall be repaid to you. *Signed.* Cf. *Acts of Privy Council, N.S.*, xxi, 225.

QUEEN ELIZABETH to HENRY, third EARL OF HUNTINGDON.

1592, July 18. Grenewich.—To furnish 50 footmen out of Leicestershire. *Sign manual. Signet.* Cf. *Cal. S.P. Dom.*, 1591-1594, p. 245.

The LORDS OF THE COUNCIL to HENRY, third EARL OF HUNTINGDON.

1592[–3], Jan. 8. Hampton Courte.—To furnish particulars of armour and weapons taken from recusants in the counties under his charge.—*Signed.* Cf. *Acts of Privy Council, N.S.*, xxiv, 12, 13.

The LORDS OF THE COUNCIL to SIR GEORGE HASTINGS, SIR THOMAS STANHOPE and SIR HUMPHREY FERRERS.

1593, July 10. Otelands.—To allow Christopher Croftes, pending examination, to continue his iron works, which he was forbidden to do on the complaint of certain gentlemen of Derbyshire and Leicestershire. *Signed.* Cf. *Acts of Privy Council, N.S.*, xxiv, 379, *under date* July 9.

QUEEN ELIZABETH to HENRY, third EARL OF HUNTINGDON.

1595, June 14. Grenwich.—To levy foot and horse in Leicestershire for service in Ireland, according to the Council's letter. *Sign manual.*

The LORDS OF THE COUNCIL to HENRY, third EARL OF HUNTINGDON.

1595, Nov. 2. Richmond.—Renewed instructions to have 39 men of Leicestershire armed in readiness to be sent into Ireland on a day's warning. *Signed.* Cf. *Acts of Privy Council, N.S.*, xxv, 47, *under date* Nov. 5.

The LORDS OF THE COUNCIL to the HIGH SHERIFF, etc., of LEICESTERSHIRE.

1597, April 9. Whitehall.—For 56 able men to be armed and sent to Chester for transport to Ireland by the last day of the month. *Signed.* Cf. *Acts of Privy Council, N.S.*, xxvii, 26, 27.

SIR THOMAS EGERTON, Lord Keeper, to GEORGE, fourth EARL OF HUNTINGDON.

1597, Sept. 29. York House.—I have received your letter concerning the election made by the Mayor of Leicester and his brethren of two burgesses both strangers to the town, contrary to the direction of the Council, whereof I marvel they have not had more regard. Howbeit I see not what you can do in it, but if these whom they have chosen shall be found insufficient they are to bear the blame of their unadvised choice and indiscreet proceeding. Therefore I think it best to suffer the return to pass at their peril. If you will be pleased to certify me the names of these two burgesses, I will inquire further of them. *Signed.*

The LORDS OF THE COUNCIL to GEORGE, fourth EARL OF HUNTINGDON.

1597[-8], Feb. 19. Whitehall.—For a general muster in Leicestershire; appointing Sir Edward Hastings general surveyor of the forces in the county and Captain Bowstred to train them. *Signed.*

There is a like letter to the earl as Lord Lieutenant of Rutland, appointing Sir Edward Hastings general surveyor and Captain Edward Savile to train.

The LORDS OF THE COUNCIL to GEORGE, fourth EARL OF HUNTINGDON.

1598, July 16. Grenewich.—To collect 60*l.* among the Justices, gentlemen and farmers of good livelihood in Rutland for supplying two horses to serve in Ireland. *Signed.* Cf. *Acts of Privy Council, N.S.*, xxviii, 586-588.

QUEEN ELIZABETH to GEORGE, fourth EARL OF HUNTINGDON.

1598, [? July] 18. Grenewich.—To levy two horses in Rutland for service in Ireland. *Sign manual. Torn.*

QUEEN ELIZABETH to GEORGE, fourth EARL OF HUNTINGDON.

1598, Aug. 26. Grenewich.—To levy 50 further men in Leicestershire for service in Ireland, special care being taken in the choice thereof. *Sign manual. Signet.*

The LORDS OF THE COUNCIL to GEORGE, fourth EARL OF HUNTINGDON.

1598, Aug. 28. Greenwich.—To furnish 50 more men from Leicestershire for service in Ireland: 12 pikes with corselets, 25 calivers and 10 muskets; the rest being abated for dead pays. To choose the men more carefully than in the last levies. *Signed.* Cf. *Acts of Privy Council, N.S.*, xxix, 94.

The LORDS OF THE COUNCIL to GEORGE, fourth EARL OF HUNTINGDON.

1598, Sept. 10. Greenwich.—Instructions for disbanding the levies in Leicestershire. *Signed.* Cf. *Acts of Privy Council, N.S.*, xxix, 155.

The LORDS OF THE COUNCIL to GEORGE, fourth EARL OF HUNTINGDON.

1598, Dec. Whitehall.—To send up 3*l.* *per* man for arming and apparelling the 100 men ordered to be levied in Leicestershire. *Signed.* Cf. *Acts of Privy Council, N.S.*, xxix, 328.

The LORDS OF THE COUNCIL to GEORGE, fourth EARL OF HUNTINGDON.

1598[-9], Jan. 31. Whitehall.—To levy 100 men in Rutland for service in Ireland: 30 pikes, armed with gorgets, cuirasses (curattes), and morions (murrions); 30 muskets; 30 calivers; and the rest short weapons. Captain Bowstred to have charge of the men, who shall be sent down to receive them by Feb. 26. *Signed.*

The LORDS OF THE COUNCIL to GEORGE, fourth EARL OF HUNTINGDON.

1599, May 22. Greenwich.—Recommending the bearer Nicholas Victor for the place of muster-master in Leicestershire. *Signed.*

The LORDS OF THE COUNCIL to GEORGE, fourth EARL OF HUNTINGDON.

1599[-1600], Jan. 9. Richmond.—To levy money from gentlemen of sufficient means to provide four horses or geldings for Leicestershire, two for Rutland, at the rate of 30*l.* a horse, for service in Ireland. *Signed.*

SIR HENRY COCKE [Cofferer of the Household] and others to GEORGE, fourth EARL OF HUNTINGDON.

1599[-1600], Feb. 25. Richmond.—There remain due 78*l.* laid out by the Cofferer and now to be paid to her Majesty for compo[sition] provisions for your county. We understand that certain high constables have collected the same and paid it to you. We have written sundry letters to you and have received answers but not the money. If there be money due

to you for former years (as you have written) yet we trust you do not think it convenient to stay the money collected for those provisions that now her Majesty has paid for. We have foreborne and expected payment long since but can forbear no longer. Therefore we have sent for the constables that collected the money to make present payment or to answer the same before us in her Majesty's compting-house, where they shall make satisfaction before they depart. We have thought good again to signify so much to you, that, if the constables have paid it to you, it may be paid again to them or to this bearer. Otherwise we mind to seek payment from the constables without delay. *Signed.*

The LORDS OF THE COUNCIL to GEORGE, fourth EARL OF HUNTINGDON, Lord Lieutenant of Leicestershire.

1600, May 13. Greenwiche.—To send up 200*l.*, the charge of apparelling 100 soldiers, ordered to be collected three months since and overdue. *Signed.* Cf. *Acts of Privy Council, N.S.*, xxx, 317.

QUEEN ELIZABETH to GEORGE, fourth EARL OF HUNTINGDON.

1600, June 25. Grenwich.—To levy 50 footmen in Leicestershire for service in Ireland. *Sign manual.*

The LORDS OF THE COUNCIL to GEORGE, fourth EARL OF HUNTINGDON.

1600, June 26. Grenwich.—Directions for choosing, arming, etc., 50 men from Leicestershire for service in Ireland: 12 pikes; 6 bills; 6 muskets; 6 bastard muskets; 20 calivers. *Signed.* Cf. *Acts of Privy Council, N.S.*, xxx, 412.

The LORDS OF THE COUNCIL to GEORGE, fourth EARL OF HUNTINGDON.

1600, Sept. 30. Oatelandes.—Concerning the distress in Leicestershire owing to the high price of grain. *Signed.*

The LORDS OF THE COUNCIL to GEORGE, fourth EARL OF HUNTINGDON.

1601, April 28. Whitehall.—To levy 20 footmen in Leicestershire for service in Ireland, each furnished with a good sword with basket hilt and Turkey blade. To provide 40*s.* a man for apparel. *Signed.* Cf. *Acts of Privy Council, N.S.*, xxxi, 318.

The LORDS OF THE COUNCIL to GEORGE, fourth EARL OF HUNTINGDON.

1601, April 28. Whitehall.—To take a general view of the forces in Leicestershire and Rutland. *Signed.* Cf. *Acts of Privy Council, N.S.*, xxxi, 318.

The LORDS OF THE COUNCIL to GEORGE, fourth EARL OF HUNTINGDON.

1601, July 23. Greenwich.—To levy 50 men in Leicestershire for service in Ireland. To provide 3*l.* 10*s.* a man for arms and apparel. *Signed.* Cf. *Acts of Privy Council, N.S.*, xxxii, 79-83.

QUEEN ELIZABETH to GEORGE, fourth EARL OF HUNTINGDON.

1601, Oct. 6. Richmond.—To increase the number of men to be levied in Leicestershire from 25 to 60, in Rutlandshire from 15 to 30, for service in Ireland against the Spaniards; and to send them to Bristol instead of Chester as formerly appointed. *Sign manual. Signet.*

The LORDS OF THE COUNCIL to GEORGE, fourth EARL OF HUNTINGDON.

1601, Oct. 6. Richmond.—To the same purpose as the Queen's letter of the same date (*q.v., supra*). *Signed.* Cf. *Acts of Privy Council, N.S.*, xxxii, 239-242.

The LORDS OF THE COUNCIL to GEORGE, fourth EARL OF HUNTINGDON.

1601[-2], Jan. 7. Whitehall.—To levy 50 men in Leicestershire for service in Ireland. *Signed.*

QUEEN ELIZABETH to GEORGE, fourth EARL OF HUNTINGDON.

1602, April 26. Greenwich.—To levy 50 men in Leicestershire for service in Ireland. *Sign manual.*

QUEEN ELIZABETH to GEORGE, fourth EARL OF HUNTINGDON.

1602, July 28. Greenewiche.—To levy 25 men in Leicestershire and 10 in Rutlandshire for service in Ireland. *Sign manual. Signet.*

The LORDS OF THE COUNCIL to GEORGE, fourth EARL OF HUNTINGDON.

1603, March 25. Whitehall.—Announcing the death of Queen Elizabeth and the proclamation of King James I, and praying him to further the publication of the proclamation in the parts about him. *Signed.*

SIR HENRY COCKE [Cofferer of the Household] and others to GEORGE, fourth EARL OF HUNTINGDON.

1603, March 28. Westminster.—Owing to the expenses of the King's coronation, etc., the high constables are to collect such sums of money for the service of this year as have been rated for the two years precedent. *Signed.*

SIR EDWARD NOEL, WILLIAM BULSTRODE and BASILL FYLDING to HENRY, fifth EARL OF HUNTINGDON.

1606, May 21. Ockeham.—According to your command we have this day reviewed the horsemen of this county [Rutland] at Ockham. They were for the most part very defective and we have given them particular warning to supply all defects against a new summons. Please appoint us what course to take with those who continue defective. *Signed.*

JAMES I to HENRY, fifth EARL OF HUNTINGDON.

1607, June 3. Westminster.—You are not ignorant of the proceedings of certain disordered persons, first in Northamptonshire and now in Leicestershire, who using the colour of laying open grounds unlawfully enclosed have, notwithstanding our proclamation, not conformed to their obedience. The Sheriff and Justices have made known to us that they want direction from hence, and that it would be a great furtherance if some person of eminent degree were amongst them from whom they might receive an uniform direction. We have thought none so fit as you, whom we require immediately to assemble the principal gentlemen and Justices of the county and resolve what course is meet to be held. Although we can be content that for sparing of blood some special persons should be made example to others, yet in case of any resistance you are to use the force of our county and the assistance of our subjects to invade, destroy and disperse them. Yet if you find the resistance likely to be such as the subduing of them will cost too much blood, we can be content that you publish by proclamation in our name that if they shall acknowledge their offence and submit themselves to our mercy, they shall have pardon for their lives, excepting only such as shall be found to have been the first movers and inciters of others to this rebellion. *Sign manual. Signet.*

The LORDS OF THE COUNCIL to HENRY, fifth EARL OF HUNTINGDON.

1607, June 3. Whitehall.—To repair speedily to his lieutenancy of Leicestershire and to take with him the bearer, Sir Josias Bodley, as a man of experience and knowledge in the wars. *Signed.*

HENRY, fifth EARL OF HUNTINGDON, to the LORDS OF THE COUNCIL.

1607, June 4. Northampton.—Being come as far as Northampton, I received a letter from Sir Thomas Cave with some others, of their proceedings with the tumultuous persons, and their success in that business. I have sent this letter to you. I purpose without fail to be at Leicester to-morrow very early, where I intended [to be] this night, if I had not been enforced to stay six hours at Dunstable before I could get horses. *Autograph copy, initialled.*

The LORDS OF THE COUNCIL to HENRY, fifth EARL OF HUNTINGDON.

1607, June 5. Whitehall.—Further instructions respecting the rebellion in Leicestershire. The gentlemen whose names are underwritten*, charged by the common voice of the people of the county with these unlawful depopulations, are to repair to the Council; also any other culpable of like offences.

* Sir Thoms Umphrey kt.
William Broches [Brocas].
— Qwarles.

Signed.

[HENRY, fifth EARL OF HUNTINGDON,] to ROBERT, first EARL OF SALISBURY.

1607, June 6. Leicester.—Coming here on Friday, I found divers Justices and gentlemen, with whom I have conferred, and find nothing to write but what they had made known to this bearer my cousin, by whom they determined to have sent three persons, which they thought good only to despatch, although we have some others in safe custody. On more mature deliberation we hold it fit to send this particular only (being the chiefest leader and director of the rebellious company) both in regard of the simplicity of the other two (who notwithstanding are in readiness upon your pleasure) as also in respect of the dangerous passage through Northamptonshire. This county is very quiet and I doubt not but will so continue, being as great care taken as may be for the good thereof.

Postscript.—"My cousin received this prisoner this Saturday in the morning." *Copy.*

[HENRY, fifth EARL OF HUNTINGDON,] to the LORDS OF THE COUNCIL.

1607, June 7.—I thought the whole county had been quiet, yet on Saturday last there assembled to the number of eighty in tumultuous manner and to the same purpose as others had done. I the same day dispersed the greatest number of them, and some of the principals I apprehended, whom I detain in prison, so that I hope the county will remain peaceable. I have only sent up Sir Thomas Humfrye according to your directions, understanding that Mr. Brocas is dead three years ago and the land depopulated by him is now in Mr. Edward Hasellrigge's hands who purchased the same. And Mr. Quarles being a Londoner has no abode in this country. Howsoever it is true he depopulated the manor of Cosbich, which is the only place in all the county cast down. To the end you may be informed who have offended in like kind, I have taken order, by the endeavour of divers gentlemen, that no depopulation shall lie undiscovered. I persuade myself that this has been the chief motive of these rebellious assemblies. *Copy.*

The Lords of the Council to Henry, fifth Earl of Huntingdon.

1607, June 9. Whitehall.—It is not sufficient to disperse the rebels, who reassemble as soon as they find opportunity. An example must be made by the deaths of some few of them when they shall again be found assembled. If this had been done before there had been need of less labour now. It has been already signified that his Majesty is pleased to proceed in the way of civil justice in this matter by commission of oyer and terminer. Meanwhile we will consider the examinations of "that base ringleader and turbulent varlet John Raynold," whom you have done well to send to us. We have given thanks and well deserved commendation to Sir Henry Hastings in particular for his service in the country and for bringing up Raynold, and we have taken order for such provision of powder, match and pistols to be sent down as he in the name of the Justices and gentlemen desired. *Signed.*

The Lords of the Council to Henry, fifth Earl of Huntingdon.

1607, June 12. Whitehall.—Instructions for making preparation for the commission of oyer and terminer which is to be at Leicester by the 27th inst. *Signed.*

[Henry, fifth Earl of Huntingdon,] to the Lords of the Council.

1607, June 14. Asheby.—It seems you think me too remiss in executing none of those I took upon the last rising in this county. Give me leave to make known the cause. "Before my coming to the place where I heard they were assembled, they were all gone, having done little or nothing; whereupon I sent some of my horsemen several ways and of that number could take not above viiij or x^en^ persons, which were very poor creatures. Yet nevertheless I caused ij or iij of them to be brought, no tree being near, unto a windmilne, where I commanded halters to be put about their necks. Finding them penitent for their fault and submitting themselves unto his Majesty's mercy [I] held it fit to spare their execution for that time, intending if the least stir had again risen to have put to death some of them before my going forth, and to have dealt very sharply with others I had taken, though they had yielded. Never since that time hath there been, I thank God, the least assembling of these bad persons, so that I think your lordships may assure yourselves of no further disobedience in this country." *Copy. Endorsed:* "The copy I wrote unto the Lords of the Council the 25° [*sic*] of June 1607."

The LORDS OF THE COUNCIL to HENRY, fifth EARL OF HUNTINGDON.

1607, June 19. Whitehall.—Introducing the judges sent into Leicestershire to join with him in the commission of oyer and terminer. *Signed.*

The LORDS OF THE COUNCIL to HENRY, fifth EARL OF HUNTINGDON.

1607, June 19. Whitehall.—Further instructions as to the commission of oyer and terminer; the calling of witnesses. *Signed.*

[HENRY, fifth EARL OF HUNTINGDON,] to the LORDS OF THE COUNCIL.

1607, June 29. Ashbie.—I have been with the judges at Leicester, who were very careful about executing the commission of oyer and terminer. A jury was empanelled, but none of the offenders found guilty of treason. As for felony, they gave it not in charge. Although none will be within compass of felony yet some are bound over unto the assizes and the rest in safe custody in the gaol. Seeing things here in so settled a quiet I have thought fit to dismiss the forces. This knight whom you sent down to me I have found of so good a judgment that if ever there be need I shall by that I have gathered by him be better able to do his Majesty service. This country has not been mustered many a year. If you like well thereof, I will take a general muster sometime this summer. *Autograph copy.*

THOMAS, first EARL OF DORSET, [Lord Treasurer,] to HENRY, fifth EARL OF HUNTINGDON.

1607, June 30. Dorsett House.—Requesting payment of 470*l.* due out of Leicestershire for arms and apparel for the levies for Ireland in the preceding reign. *Signed.*

The LORDS OF THE COUNCIL to HENRY, fifth EARL OF HUNTINGDON.

1607, July 4. Grenewich.—Answer to his letter of June 30 [29]. It will be more convenient to renew the musters towards the end of summer than at present. *Signed.*

The LORDS OF THE COUNCIL to HENRY, fifth EARL OF HUNTINGDON.

1607, July 23. Whitehall.—Requiring him to choose six disinterested gentlemen of Leicestershire to be put in a commission for inquiry of unlawful enclosures and depopulations in Leicestershire. *Signed.*

The LORDS OF THE COUNCIL to the EARL of HUNTINGDON and the DEPUTY LIEUTENANTS and HIGH SHERIFF of LEICESTERSHIRE.

1607, Nov. 11. Whitehall.—To send up a certificate of the submissions which the Leicestershire rebels, pardoned by the King's proclamation of July 24, were required to make before Michaelmas last. *Signed.*

Copy of a letter from Huntingdon to his Deputy Lieutenants and Sir Thomas Nevill, late High Sheriff, touching the above. Nov. 18.

Copy of Huntingdon's answer to the Council. Nov. 27.

JAMES I to HENRY, fifth EARL OF HUNTINGDON, Lord Lieutenant of Leicestershire.

1608, May 28. Greenewich.—To levy 50 men for service in Ireland. *Sign manual. Signet.*

The LORDS OF THE COUNCIL to HENRY, fifth EARL OF HUNTINGDON.

1608, May 25. Greenwich.—If not already provided, to order arms for the men to be levied in Leicestershire for service in Ireland from Mr. Edmund Nicholson, who in the late reign provided "a magazine of very choice arms," most of which were not used. *Signed.*

The LORDS OF THE COUNCIL to HENRY, fifth EARL OF HUNTINGDON.

1608, June 30. Greenwich.—Instructions for a general muster in Leicestershire. *Signed.*

[WILLIAM BARLOW,] BISHOP of LINCOLN to HENRY, fifth EARL OF HUNTINGDON.

1608, Sept. 30. Bugden.—*Enclosing :—*

[RICHARD BANCROFT,] ARCHBISHOP of CANTERBURY to the BISHOP of LINCOLN.

1608, Sept. 21, Lambehith.—Sending a copy of a letter from the Council to the Archbishop, dated Hampton Court, Sept. 19, requesting him to instruct the bishops in his province to inform themselves what clergy in their bishoprics are fit to be charged with the finding of horse, arms or other furniture in readiness for the coming musters. *Copy.*

The LORDS OF THE COUNCIL to HENRY, fifth EARL OF HUNTINGDON.

1609, May 20. Whitehall.—Reminding him that he has not yet tendered any composition for the aid, and appointing June 27 for his doing so. *Signed.*

The Lords of the Council to Henry, fifth Earl of Huntingdon.

1609, July 10. Whitehall.—For taking a view of the powder stored in Leicestershire and supplying defects. *Signed.*

[Henry, fifth Earl of Huntingdon,] to the Mayor and Burgesses of Leicester.

1609, Aug. 11. Ashebie.—"I have long expected to have heard from you that the books according to your own Recorder's agreement might have been sealed, but now your own ends are served your performances are answerable unto men of your condition, and though upon your reconciliation and mine I buried all your unrespective courses towards me, yet seeing you run your former I shall hold you in my thoughts and value you at no higher rate than I had cause to do heretofore. The world may see that out of fear not out of love you respected me. For my part I had rather have been linked unto you by your affections. It is now made evident unto me that though you carried honey in your mouths, yet there was but gall in your hearts; and seeing it is so I shall try by course of law how to be righted of those indignities it seemeth you would put upon me. Let me be carried on no further with delays but receive your speedy answer (which is all I covet) whether you will perform that which Mr. Serjeant Nicholles under his hand and others under their bonds have covenanted for you. And so if you deserve it I rest your loving friend." *Copy, initialled.*

[Henry, fifth Earl of Huntingdon,] to [Sir Thomas Parry,] Chancellor of the Duchy of Lancaster.

1609, Aug. 16. Asheby.—Complaining of Robert Preiste and James Watkins (servants of Sir William Fontes), who killed a buck in the forest of Leicester, of which the writer is chief forester. Preiste is an old offender. *Copy, initialled.*

[Henry, fifth Earl of Huntingdon,] to his uncle, Edward, fourth Earl of Worcester.

1609, Nov. 17. Ashebie.—When this bearer came to me from the Council, I thought to have taken 200*l.* worth of powder. Since, finding the country well stored with most if not all of that which was brought down at the rising of the hedge-breakers made me take but 100*l.* worth, which I shall shortly send up for. *Copy, initialled.*

The Board of Green Cloth to Henry, fifth Earl of Huntingdon.

1610, May 13. Westminster Palace.—We provided 200 muttons on Palm Monday according to your composition for the county of Leicester, which amounts to 115*l.* besides his

Majesty's prises. We desire that satisfaction may be made into his Majesty's compting-house at or before the beginning of the next term, as also that the rest of your provisions may be delivered according to the days and times anciently agreed upon, we not holding your pretence of breach sufficient by your letter, wherein you only signify the holding of it for two years, but mentioning no matter of discontinuance after the said time expired. *Signed.*

JAMES I to HENRY, fifth EARL OF HUNTINGDON.

1610, July 24. Westminster.—Warrant to deliver to Sir William Herrick, one of the King's jewellers, or to the bearer, one fat buck of this season out of the forest of Leicester. *Sign manual. Signet.*

The BOARD OF GREEN CLOTH to HENRY, fifth EARL OF HUNTINGDON, and other JUSTICES OF THE PEACE of LEICESTERSHIRE.

1611, April 27. Whitehall.—The gentlemen of Leicestershire have treated with us about a composition for such provisions as have been yearly served by that shire for his Majesty's household. But we find them so backward either in continuing it in specie or in giving satisfaction for the same in money, that we are enforced to send down Christopher Walton with a commission for providing 80 oxen, 600 muttons and 2,000 lambs of the fattest and best bone the country will yield, unless you will call on the county again for the continuing of the composition. Nevertheless, we have commanded Walton to forbear to execute, if you and others will undertake that the provisions may be discharged as formerly. And whereas the said Walton is yet unpaid the sum of 165*l.* for divers years' service, we once again pray you to take present order for his satisfaction. *Signed.*

The BOARD OF GREEN CLOTH to HENRY, fifth EARL OF HUNTINGDON, and other JUSTICES OF THE PEACE of LEICESTERSHIRE.

1611, June 9. Greenwich.—Sir John Graie has undertaken to see such composition provisions delivered as were usually served betwixt Palm Monday and Michaelmas; in regard whereof we have foreborne the execution of his Majesty's commission in your county, desiring you to take speedy care for his satisfaction as also for the arrears due to Christopher Walton. And for that we are desirous that these accustomed duties should be continued in a plausible course rather than enforced by way of purveyance, we entreat you to propound the continuance of your former composition at your next general meeting, which if the country refuse then must they expect the present sending down of a purveyor. *Signed.*

HENRY, first LORD GREY of GROBY to HENRY, fifth EARL OF HUNTINGDON.

1611, Aug. 23. Bradgatt.—Advising him to call a general meeting of the gentry of Leicestershire to consider the question of the composition for the provision of the King's household. *Signed.*

JAMES I to HENRY, fifth EARL OF HUNTINGDON.

1611, Oct. 31. Westminster.—To furnish the names of all in Leicestershire who are able to contribute towards the loan, the nobility, baronets and clergy excepted. *Sign manual. Signet.*

The LORDS OF THE COUNCIL to HENRY, fifth EARL OF HUNTINGDON.

1611[-2], March 10. Whitehall.—To permit and assist the Lord Willoughby or any other commander to levy volunteers in Leicestershire for the service of the King of Denmark. *Signed.*

The LORDS OF THE COUNCIL to HENRY, fifth EARL OF HUNTINGDON.

1612, July 9. Whitehall.—Whereas Sir Bryan Cave, High Sheriff of Leicestershire, being charged 30*l.* in this loan, complains that he is overcharged, we have thought meet to charge you to consider of his reason for being abated of that sum and certify us what you think meet to be done. *Signed.*

The LORDS OF THE COUNCIL to HENRY, fifth EARL OF HUNTINGDON.

1612, Sept. 1. York House.—To search the house of John Palmer of Kegworth, co. Leic., who harbours traitorous and dangerous persons, namely, one Archer a Jesuit, one Tompson a Papist and lay brother, Lister a Jesuit, and others; and to apprehend Palmer and the rest and to send them to London. *Signed.*

The LORDS OF THE COUNCIL to HENRY, fifth EARL OF HUNTINGDON.

1612, Sept. 15. Whitehall.—Thanking him for his care in the service required in their letter of Sept. 1, which "fell not out answerable to that which was pretended." *Signed.*

[HENRY, fifth EARL OF HUNTINGDON,] to [SIR THOMAS PARRY,] Chancellor of the Duchy of Lancaster.

1612, Nov. 30. Ashby.—Asking for a commission for incopsing part of the King's wood in Leicester forest, as approved by his Majesty when hunting there last summer. *Copy.*

The LORDS OF THE COUNCIL to the HIGH SHERIFF, DEPUTY LIEUTENANTS and JUSTICES OF THE PEACE of LEICESTERSHIRE.

1612[-3], Jan. 10. Whitehall.—To take from recusants all armour, weapons, etc., except such weapons as shall seem necessary for the defence of their houses, and to notice what horses or geldings of service are in their possession. *Copy.*

The LORDS OF THE COUNCIL to HENRY, fifth EARL OF HUNTINGDON.

1612[-3], Jan. 31. Whitehall.—Instructions for a muster in Leicestershire. *Signed.*

JAMES I to HENRY, fifth EARL OF HUNTINGDON.

1612-3, Feb. 28. Newmarkett.—To make a laund in the forest of Leicester and to treat with those whom it shall concern to give their consents. *Sign manual. Signet.*

[HENRY, fifth EARL OF HUNTINGDON, to the OFFICERS of the FOREST OF LEICESTER.]

1613, April 30. Aldersgate Street.—Concerning a commission from the King to make a laund and coppices in the forest. *Copy.*

SIR THOMAS PARRY [Chancellor of the Duchy of Lancaster] to HENRY, fifth EARL OF HUNTINGDON.

1613, May 13. The Duchy House at the Savoy.—To redress sundry grievances of the commoners of Leicester forest who have petitioned against the enclosures which are to be made there. *Signed.*

SIR THOMAS PARRY to HENRY, fifth EARL OF HUNTINGDON.

1613, June 1. The Duchy House in the Strand.—On the petition of one Mr. George Quarles, to delay throwing open the enclosure called the Thwaites, as the commoners of Leicester forest desire, until the parties may be legally heard. *Signed.*

[HENRY, fifth EARL OF HUNTINGDON,] to [SIR THOMAS PARRY,] Chancellor of the Duchy of Lancaster.

1613, June 11. Ashebie.—I have determined on the place for the laund in Leicester forest and have satisfied the commoners. I desire a warrant for timber; also a commission to view the cattle in the forest. *Copy.*

THOMAS MANBIE, Mayor of Leicester, and WILLIAM MORTON to HENRY, fifth EARL OF HUNTINGDON.

1613, Dec. 30. Leicester.—You have called upon us to repair Brownston [Braunstone] gate bridge. It is outside the jurisdiction of the borough. Having no pillars it is dangerous

to those passing over. We entreat you to grant letters to the Justices of the Peace that order may be taken therein. The Corporation will give 5*l*. *Signed.*

[HENRY, fifth EARL OF HUNTINGDON,] to WILLIAM, third EARL OF PEMBROKE.

1613[-4], March 2. Ashby.—Begging him to favour his suit for the lieutenancy of Rutlandshire, lately held by Lord Harrington—who is dead and the barony reverted to the Crown —but formerly conferred on the writer's ancestors. *Copy.*

The LORDS OF THE COUNCIL to HENRY, fifth EARL OF HUNTINGDON.

1614, Sept. 13. Whitehall.—Instructions for a general muster in the counties of Leicester and Rutland. *Signed.* Cf. *Acts of Privy Council*, 1613-1614, pp. 552-555.

The LORDS OF THE COUNCIL to the HIGH SHERIFF and JUSTICES OF THE PEACE of LEICESTERSHIRE.

1614, Sept. 14. Whitehall.—For disarming recusants. *Copy.* Cf. *Acts of Privy Council*, 1613-1614, p. 556.

The COUNTIES OF LEICESTER AND RUTLAND.

1614-1627.—Letter book of Henry, fifth Earl of Huntingdon, Lord Lieutenant of the counties of Leicester and Rutland, containing copies of letters to and from him relating to county business: musters, levies, subsidies, recusants, etc.; accounts; and lists. *Parchment-bound book.*

[RICHARD NEILE,] BISHOP OF LINCOLN to HENRY, fifth EARL OF HUNTINGDON.

1615, April 26. Westminster.—The clergy of Leicestershire to be spared from the musters. *Signed.*

The LORDS OF THE COUNCIL to HENRY, fifth EARL OF HUNTINGDON.

1615, June 26. Greenwich.—Instructions for a general muster in the counties of Leicester and Rutland. *Signed.* Cf. *Acts of Privy Council*, 1615-1616, p. 228.

The LORDS OF THE COUNCIL to HENRY, fifth EARL OF HUNTINGDON.

1616, April 30. Whitehall.—Instructions for a general muster in the counties of Leicester and Rutland. *Signed.* Cf. *Acts of Privy Council*, 1615-1616, p. 516.

JAMES I to HENRY, fifth EARL OF HUNTINGDON.

1616, July 29. Ashby.—To levy 25 men in Leicestershire for service in Ireland. *Sign manual.*

The LORDS OF THE COUNCIL to HENRY, fifth EARL OF HUNTINGDON.

1616, July 31. Whitehall.—To levy 25 men in Leicestershire for service in Ireland. *Signed.* Cf. *Acts of Privy Council*, 1615-1616, pp. 696-699.

The BOARD OF GREEN CLOTH to HENRY, fifth EARL OF HUNTINGDON.

1616[-7], Feb. 14. Whitehall.—To deliver all poultry due out of Leicestershire for his Majesty's household to Edward Dickinson, at his Majesty's storehouse in Bishopsgate, within one month. *Signed.*

The LORDS OF THE COUNCIL to HENRY, fifth EARL OF HUNTINGDON.

1618, April 25. Whitehall.—Instructions for a general muster in the counties of Leicester and Rutland; to change calivers for muskets, etc. *Signed.* Cf. *Acts of Privy Council*, 1617-1619, p. 118.

The LORDS OF THE COUNCIL to HENRY, fifth EARL OF HUNTINGDON.

1618[-9], Feb. 11. Whitehall.—Instructions for a general muster in the counties of Leicester and Rutland. *Signed.* Cf. *Acts of Privy Council*, 1617-1619, p. 363.

[GEORGE MONTAIGNE,] BISHOP OF LINCOLN to HENRY, fifth EARL OF HUNTINGDON.

1618[-9], Feb. 20. Bugden.—Begging that the clergy of Leicestershire may not be rated higher than formerly at the musters, and offering him and the Countess a licence to eat flesh during Lent.

The LORDS OF THE COUNCIL to HENRY, fifth EARL OF HUNTINGDON.

1619, April 23. Whitehall.—Repetition of orders of Feb. 11 for repairing the beacons in the counties of Leicester and Rutland. Instructions for the discharge of watches appointed in the last directions and continuance only of such as were formerly found requisite. *Signed.* Cf. *Acts of Privy Council*, 1617-1619, p. 364.

ACHATIUS, BOURGRAVE ET BARON DE DONA, [Ambassador from the King of Bohemia,] to the LORD LIEUTENANT and other LORDS, the HIGH SHERIFF, DEPUTY LIEUTENANTS, JUSTICES OF THE PEACE, GENTLEMEN and others of the county of LEICESTER.

1620, May 13. London.—Begging them to contribute to the loan to the King of Bohemia. *French. Signed.*

The SAME to the SAME.

1620, May 26.—*A similar letter, but written in English. There is also also a copy of one addressed to the Lord Lieutenant, etc., of Rutland.*

The LORDS OF THE COUNCIL to HENRY, fifth EARL OF HUNTINGDON.

1620, May 31. Whitehall.—Instructions for a general muster in the counties of Leicester and Rutland. *Signed.* Cf. *Acts of Privy Council*, 1619-1621, p. 215.

ACHATIUS, BOURGRAVE ET BARON DE DONA, to HENRY, fifth EARL OF HUNTINGDON, Lord Lieutenant of the counties of Leicester and Rutland.

1620, July 22. Westminster.—A reminder of the King of Bohemia's needs. *Two letters. Signed.*

The LORDS OF THE COUNCIL to HENRY, fifth EARL OF HUNTINGDON.

1620, Oct. 25. Whitehall.—Asking him to contribute to the war expenses of the Palatinate. *Signed.* Cf. *Acts of Privy Council*, 1619-1621, p. 291.

ACHATIUS, BOURGRAVE ET BARON DE DONA, to HENRY, fifth EARL OF HUNTINGDON.

1620, Nov. 12-22. Greenwich.—Thanking him for forwarding the contribution of his lieutenancy towards the expenses of the King of Bohemia. *Holograph.*

The MAYOR, etc., of LEICESTER to HENRY, fifth EARL OF HUNTINGDON.

1620, Nov. 17. Leicester.—Your letters requesting us to accept Sir Richard Morison and Sir William Harington as our burgesses for this next Parliament were read to-day at our common hall. The whole hall craved that they might not be urged to nominate any burgesses until the coming down of the writs. Yet we cannot discern but that the hall purposes to choose one of those whom you commended. Hoping you will be pleased therewith for most just reasons on our behalf. *Signed. Borough seal.*

HENRY, fifth EARL OF HUNTINGDON, to the MAYOR and BRETHREN of LEICESTER.

1620, Dec. 31. Donnington.—Hoping that Sir Richard Morrison's inability to come down to take the oath, owing to his attendance on the King, will not prejudice his election to Parliament. Citing precedents for administering the oath by letter of attorney. *Copy.*

SIR HUMFREY MAY [Chancellor of the Duchy of Lancaster] and EDWARD MOSELY [Attorney of the Duchy] to SIR GEORGE MANNERS of Aylston, MR. QUARLES of Enderby and MR. TURVILE of Thurleston.

[? c. 1620.]—Charging them with destroying certain coppices in the forest of Leicester, and requiring them to incoppice the same before Michaelmas next. *Copy.*

SIR E[DWARD] NOELL and SIR WILLIAM BULSTRODE to HENRY, fifth EARL OF HUNTINGDON.

[? c. 1620.]—Begging that the county of Rutland may be relieved of the charge of maintaining two Low Country soldiers for training the band, which Captain Coney is now as well able as they to execute. In any case, one were sufficient for so small a proportion of men as the county can yield. *Signed. Undated.*

The MAYOR, etc., of LEICESTER to HENRY, fifth EARL OF HUNTINGDON.

1620[-1], Jan. 4. Leicester.—On due consideration of your letter of Dec. 31, we sent to Mr. Recorder for his opinion whether the Corporation may make a letter of attorney to take an oath out of our borough of any person that is to be made free, and we cannot be resolved that we lawfully may. Wherefore we desire that if Sir Richard Morrison come not down before the election, you will not take any displeasure if we choose another. *Signed.*

GEORGE, first MARQUESS OF BUCKINGHAM, to SIR GEORGE HASTINGS.

1620[-1], Jan. 23. Theobolds.—Desiring him to desist from opposing the writer's cousin Beaumont, who has been returned as member of Parliament for Leicestershire. *Copy.*

The LORDS OF THE COUNCIL to HENRY, fifth EARL OF HUNTINGDON.

1620[-1], Feb. 28. Whitehall.—Instructions for a general muster in the counties of Leicester and Rutland. *Signed.* Cf. *Acts of Privy Council*, 1619-1621, p. 355.

The Lords of the Council to Henry, fifth Earl of Huntingdon.

1621, July 24. Whitehall.—Instructions for collecting the subsidy. *Signed.* Cf. *Acts of Privy Council*, 1621-1623, p. 24.

The Board of Green Cloth to Henry, fifth Earl of Huntingdon, and the rest of the Justices of the Peace of Leicestershire.

1621, Oct. 1. Whitehall.—Complaining of neglect of their letters. The bearer has a commission for distraining cattle unless his expenses be paid and assurance be given for payment of money due to the King at or before the end of Michaelmas term. *Signed.*

The Lords of the Council to the High Sheriff and Justices of the Peace of Leicestershire.

1622, March 31. Whitehall.—Concerning the proposition for a voluntary contribution to the King for the war in Germany. *Copy.* Cf. *Acts of Privy Council*, 1621-1623, p. 176.
There is also a letter to the Earl of Huntingdon on the same subject.

The Lords of the Council to Henry, fifth Earl of Huntingdon.

1622, May 18. Whitehall.—Instructions for a general muster in the counties of Leicester and Rutland. *Signed.* Cf. *Acts of Privy Council*, 1621-1623, p. 225, *under date* May 19.

The Board of Green Cloth to the Earl of Huntingdon and the rest of the Justices of the Peace and Compounders of Leicestershire.

1622, June 25. Greenwich.—Further demand for payment of arrears. *Signed.*

The Lords of the Council to Henry, fifth Earl of Huntingdon.

1623, June 11. Whitehall.—Instructions for a general muster, etc., in the counties of Leicester and Rutland. *Signed.* Cf. *Acts of Privy Council*, 1623-1625, p. 8.

Henry, fifth Earl of Huntingdon, to the Mayor, Bailiff and Burgesses of Leicester.

1623, Sept. 4.—Commanding them, in the King's name, to bring before him or his deputy in Leicester, upon Thursday Oct. 2 next by nine o'clock in the morning, all such persons in their best apparel as have been appointed and stand charged for trained soldiers for the town of Leicester, fully fitted with armour and weapons, clean dresses and ready for present service,

that they may be trained and exercised there by their captains, and, if any be dead, insufficient or removed, to bring other sufficient and able men in their place. Also to collect within the borough for every trained man the sum of 7*s.* for provision of powder, match allowance for the captains and other officers and for other necessaries, and to pay the same upon Saturday Oct. 4 to Walter Rudinge, gent., at his house at the West Coates near Leicester, and to allow the soldiers during that service 8*d.* a meal and no more. *Draft or copy.*

The Lords of the Council to the Justices of the Peace of Leicestershire.

1623, Dec. 23. Whitehall.—Instructions for the punishment of malefactors, suppressing unnecessary ale-houses, etc. *Copy.* Cf. *Acts of Privy Council*, 1623-1625, p. 154.

The Lords of the Council to Henry, fifth Earl of Huntingdon.

1624, April 24. Whitehall.—Instructions for a general muster in the counties of Leicester and Rutland. *Signed.* Cf. *Acts of Privy Council*, 1623-1625, p. 206.

The Lords of the Council to Henry, fifth Earl of Huntingdon.

1624, June 23. Whitehall.—To permit and assist in the raising of volunteers for the service of the United Provinces. *Signed.* Cf. *Acts of Privy Council*, 1623-1625, p. 249.

Henry, fifth Earl of Huntingdon, to the Constable of Long Whatton or his lawful Deputy.

1624, June 28. Donington.—"Whereas this day a great multitude and assembly of people being gathered together a lamentable accident hapned at Aston, a towne in Darbyshire not farre distant from yow, at a meeting at footeball play beetweene the townes of Castle Donington in this county and Aston, where a man was slayne and more mischeefe might perchance have followed. And forasmuch as I understand that there is an appoyntment for another meeting at the same sport to-morrow in a place nere Kegworth betweene the townesmen of Long Whatton in this county and Barton in the county of Notingham, fearing the like evill accident or worse might ensue. In regard his Majestie hath placed me his Liewtenant of this county I as in my duty bounde ought to take a provident care that noe such concourse of people meete for such purposes. Theis are therfore to will and require yow and in his Majestie's name straightly to charge and comand yow that presently upon the receipt hereof yow give warning to all those within your constabulary that entend to be players ther that they forbeare to give meeting for that end. And if any shall refuse

to obay this my warrant, that imediatly yow bring him or them before Doctor Robinson, one of his Majestie's Justices of the Peace, to answer their contempt." *Draft, corrected by the earl.*

JAMES I to HENRY, fifth EARL OF HUNTINGDON.

1624, Oct. 29. Royston.—To levy 150 men in Leicestershire and 50 in Rutlandshire for service under Count Mansfeild for the recovery of the Palatinate. *Sign manual. Signet.*

The LORDS OF THE COUNCIL to HENRY, fifth EARL OF HUNTINGDON.

1624, Oct. 31. Whitehall.—Instructions for levying 150 men in Leicestershire and 50 men in Rutlandshire. *Signed.* Cf. *Acts of Privy Council*, 1623-1625, p. 351.

The LORDS OF THE COUNCIL to HENRY, fifth EARL OF HUNTINGDON.

1624, Nov. 24. Whitehall.—To levy 50 men more. *Signed.* Cf. *Acts of Privy Council*, 1623-1625, p. 376.

The LORDS OF THE COUNCIL to HENRY, fifth EARL OF HUNTINGDON.

1624, Nov. 30. Whitehall.—Instructions for the delivery of the whole 250 men, who are to be at Dover Dec. 24. *Signed.* Cf. *Acts of Privy Council*, 1623-1625, p. 384.

JAMES I to HENRY, fifth EARL OF HUNTINGDON.

1624, Nov. 30. Westminster.—To levy a further 50 men in Leicestershire for the recovery of the Palatinate. *Sign manual. Signet.*

CHARLES I to HENRY, fifth EARL OF HUNTINGDON.

1625, May 5. Westminster.—To levy 150 men in Leicestershire and 50 in Rutlandshire for service of the King's brother and sister. *Sign manual.*

The LORDS OF THE COUNCIL to HENRY, fifth EARL OF HUNTINGDON.

1625, May 6. Whitehall.—Instructions for levying 200 foot in his lieutenancy. *Signed.* Cf. *Acts of Privy Council*, 1625-1626, p. 42, *under date* May 5.

The LORDS OF THE COUNCIL to HENRY, fifth EARL OF HUNTINGDON.

1625, May 10. Whitehall.—Instructions for a general muster in the counties of Leicester and Rutland. *Signed.*

CHARLES I to HENRY, fifth EARL OF HUNTINGDON.

1625, Aug. 13. Woodstock.—For training the militia in Leicestershire and Rutland. *Sign manual. Signet.*

CHARLES I to HENRY, fifth EARL OF HUNTINGDON.

1625, Sept. 17. Plimouth.—To take steps towards raising a loan in Leicestershire and Rutland. *Sign manual. Signet.*

The LORDS OF THE COUNCIL to HENRY, fifth EARL OF HUNTINGDON.

1625, Oct. 2. Salisbury.—For the disarming of recusants. *Signed.* Cf. *Acts of Privy Council*, 1625-1626, p. 188.
Further instructions dated Oct. 31. Cf. *Ibid.*, p. 226.

The LORDS OF THE COUNCIL to HENRY, fifth EARL OF HUNTINGDON.

1625, Dec. 12. Hampton Court.—Thanking him for his services in disarming the recusants and in the musters. *Signed.* Cf. *Acts of Privy Council*, 1625-1626, p. 268.

The LORDS OF THE COUNCIL to the JUSTICES OF THE PEACE of LEICESTERSHIRE.

1625, Dec. 31. Hampton Court.—Instructions for preventing unnecessary consumption and export of grain. *Copy.* Cf. *Acts of Privy Council*, 1625-1626, p. 295.

The LORDS OF THE COUNCIL to HENRY, fifth EARL OF HUNTINGDON.

1625, Dec. 31. Hampton Court.—To make inquiries as to those landowners who have recently neglected to furnish horse and foot at the musters, and to see that the trained bands are kept up to their full number. *Signed.* Cf. *Acts of Privy Council*, 1625-1626, p. 296.

The LORDS OF THE COUNCIL to HENRY, fifth EARL OF HUNTINGDON.

1625[-6], Jan. 24. Whitehall.—Concerning the instruction and exercise of the trained bands in the counties of Leicester and Rutland. *Signed.* Cf. *Acts of Privy Council*, 1625-1626, p. 320.

The LORDS OF THE COUNCIL to the COMMISSIONERS OF THE SUBSIDY for LEICESTERSHIRE.

1625[-6], Feb. 28. Whitehall.—To make their assessments at a higher and more proportionable rate than in recent years. In 1 Eliz. the subsidy for Leicestershire was 1,276*l.* 9*s.* 9*d.*; in 18 Jac. I but 755*l.* 16*s.* 6*d.* *Copy.* Cf. *Acts of Privy Council*, 1625-1626, p. 364.

The LORDS OF THE COUNCIL to HENRY, fifth EARL OF HUNTINGDON.

1626, May 21. Whitehall.—Instructions for a general muster in the counties of Leicester and Rutland. *Signed.* Cf. *Acts of Privy Council*, 1625-1626, p. 484.

The LORDS OF THE COUNCIL to HENRY, fifth EARL OF HUNTINGDON.

1626, June 11. Whitehall.—The clergy not to be exempted from contributing towards the trained bands. *Signed.*

The LORDS OF THE COUNCIL to HENRY, fifth EARL OF HUNTINGDON.

1626, July 10. Whitehall.—Instructions for exercising the trained bands, providing arms and munition, etc. *Signed.* Cf. *Acts of Privy Council*, 1626, p. 72.

The LORDS OF THE COUNCIL to the JUSTICES OF THE PEACE of LEICESTERSHIRE.

1626, July 26. Whitehall.—Explaining that the supply demanded is not a subsidy, but a free gift from the subject to the sovereign; and is to be thus represented to the country. *Copy.* Cf. *Acts of Privy Council*, 1626, p. 133.

The LORDS OF THE COUNCIL to HENRY, fifth EARL OF HUNTINGDON.

1626, Aug. 15. Whitehall.—Approving his suggestion to put off the general musters during the sickness, etc. *Signed.* Cf. *Acts of Privy Council*, 1626, p. 188.

CHARLES I to HENRY, fifth EARL OF HUNTINGDON.

1626, Aug. 31. Westminster.—For a free gift, instead of a loan as at first intended. *Sign manual.*

CHARLES I to HENRY, fifth EARL OF HUNTINGDON.

1626, Oct. 30. Westminster.—All who were assessed the last subsidy to lend the sum at which they were then assessed. *Sign manual.*

The LORDS OF THE COUNCIL to HENRY, fifth EARL OF HUNTINGDON.

1626[-7], Jan. 31. Whitehall.—Complaints having been made at meetings of the commissioners for the loans, that the county has been charged with great levies of money on colour of providing carts, spades, etc., for the trained bands, we think it necessary that you should cause to be sent us a perfect account of moneys received and spent. *Signed.* Cf. *Acts of Privy Council*, 1627, p. 43.

CHARLES I to HENRY, fifth EARL OF HUNTINGDON.

1626-7, Feb. 9. Westminster.—To levy 150 men for the service of the King of Denmark. *Sign manual. Signet.*

The LORDS OF THE COUNCIL to HENRY, fifth EARL OF HUNTINGDON.

1626[-7], March 1. Whitehall.—Instructions for levying 150 footmen in Leicestershire, to be at Harwich by March 25. *Signed.* Cf. *Acts of Privy Council*, 1627, p. 100, *under date* Feb. 28.

The LORDS OF THE COUNCIL to HENRY, fifth EARL OF HUNTINGDON.

1626[-7], March 9. Whitehall.—Granting his request that the account of the money collected for musters in Leicestershire may be spared till Easter term, to the end that he himself may be present at the giving up thereof. *Signed.* Cf. *Acts of Privy Council*, 1627, p. 128.

The MAYOR, etc., of LEICESTER to HENRY, fifth EARL OF HUNTINGDON.

1626[-7], March 13. Leicester.—We received your warrant for sending twelve men into Harborowe upon Saturday next, that you or your Deputy Lieutenants may select so many as shall be thought fit for his Majesty's service. We doubt not to have them in readiness. Our humble suit is that (as well for preventing charge as for maintaining the liberties and privileges of this and the like corporations) you would give order to some of your Deputy Lieutenants to take the view and muster of our men at Leicester. Their convoy to Harborowe we will see performed and there make payment of the money according to your warrant. *7 signatures. Borough seal.*

The LORDS OF THE COUNCIL to HENRY, fifth EARL OF HUNTINGDON.

1626[-7], March 14. Whitehall.—The musters of the last year having been inconvenient to the county by happening about seed time or harvest, the next are to be in or about Whitsun week. We much marvel at your neglect in not returning the certificates, which should have been returned Aug. 10 last. *Signed.* Cf. *Acts of Privy Council*, 1627, p. 131.

The LORDS OF THE COUNCIL to HENRY, fifth EARL OF HUNTINGDON.

1627, May 11. Whitehall.—Requesting his account, which they had expected last term. *Signed.* Cf. *Acts of Privy Council*, 1627, p. 270.

The LORDS OF THE COUNCIL to HENRY, fifth EARL OF HUNTINGDON.

1627, June 7. Whitehall.—We have received your letter of May 28. We are sorry for your indisposition. Concerning your fear lest some sinister opinion should be conceived of your proceedings in your lieutenancy, we assure you that our opinion of your integrity is so well grounded that no aspersions have made any impression on us. And that you may be the better righted, we have desired some of the board to view the accounts given in by Mr. Rudinge, upon which when we shall receive the report, any wrong done or false aspersions cast upon you shall not go unpunished. *Signed.* Cf. *Acts of Privy Council*, 1627, p. 329.

The LORDS OF THE COUNCIL to the COMMISSIONERS FOR THE LOAN in LEICESTERSHIRE.

1627, June 30. Whitehall.—Blaming their slackness in calling for the collection of the loan. *Copy.* Cf. *Acts of Privy Council*, 1627, p. 387.

CHARLES I to HENRY, fifth EARL OF HUNTINGDON.

1627, July 28. Westminster.—To levy 50 men in Rutlandshire and 100 in Leicestershire. *Sign manual. Signet.*

The LORDS OF THE COUNCIL to HENRY, fifth EARL OF HUNTINGDON.

1627, July 31. Whitehall.—Instructions for levying 100 foot in Leicestershire and 50 in Rutlandshire. *Signed.* Cf. *Acts of Privy Council*, 1627, p. 455.

The LORDS OF THE COUNCIL to HENRY, fifth EARL OF HUNTINGDON.

1627, Aug. 15. Whitehall.—The men ordered to be levied in their letter of July 31 to be at Plymouth Sept. 10. *Signed.* Cf. *Acts of Privy Council*, 1627, p. 489.

The LORDS OF THE COUNCIL to HENRY, fifth EARL OF HUNTINGDON.

1627, Aug. 24. Whitehall.—Of the 100 men from Leicestershire 24 are to be archers. *Signed.* Cf. *Acts of Privy Council*, 1627, p. 500.

The LORDS OF THE COUNCIL to HENRY, fifth EARL OF HUNTINGDON.

1627, Aug. 24. Whitehall.—Of the 50 men from Rutlandshire 12 are to be archers. *Signed.* Cf. *Acts of Privy Council*, 1627, p. 500.

HENRY, fifth EARL OF HUNTINGDON, to the LORDS OF THE COUNCIL.

1627, Nov. 6. Donington.—Begging that if the accompts have been examined, his honour may be righted and his adversary censured, as his reputation suffers and his commands are not obeyed. *Draft, corrected by Huntingdon. Vide supra* (*p.* 211); *and cf.* Cal. S.P. Dom., 1627-1628, *p.* 424.

The LORDS OF THE COUNCIL to HENRY, fifth EARL OF HUNTINGDON.

1627, Dec. 27. Whitehall.—We have examined the accompt and questioned Sir Henry Sherley for his carriage toward you and your Deputy Lieutenants; and as we found reason to justify you in the first, so we have thought fit to censure and punish Sir Henry Sherley as the cause well deserved. *Copy. See Bell,* Huntingdon Peerage, *p.* 112.

The LORDS OF THE COUNCIL to HENRY, fifth EARL OF HUNTINGDON.

1627[-8], Feb. 6. Whitehall.—To your letters of Feb. 1 we have thought good to give you these answers. 1. The recusants' arms in the custody of Sir Thomas Heselrigg are to be disposed of for arming such persons as you shall think fit. 2. The foot forces are not to be mustered or appear with the horse companies. 3. Those who are created barons of Ireland or higher titles (being of English families) shall be charged to find horse as they formerly did. 4. The cuirassiers mentioned in the printed book of instructions are not intended to be of any other sort than such as have been formerly in use. 5. The guardians of minors shall supply the number of horse wherewith the lands stand charged. Lastly, all persons of what quality or condition soever shall be charged to find horse, according to the proportion of lands they possess, in that county where their lands lie, though they inhabit in another.

The LORDS OF THE COUNCIL to HENRY, fifth EARL OF HUNTINGDON.

1627[-8], March 13. Whitehall.—Postponing the muster of the horse troops of Leicestershire and Rutlandshire at Leicester from April 21 to June 11; all defects to be supplied in the mean time. *Signed.*

The LORDS OF THE COUNCIL to HENRY, fifth EARL OF HUNTINGDON.

1628, May 25. Whitehall.—Further postponing the said muster. *Signed.*

The Lords of the Council to Henry, fifth Earl of Huntingdon.

1628, May 31. Whitehall.—Instructions for a general muster, etc., in the counties of Leicester and Rutland. *Signed.*

The Lords of the Council to the Commissioners for the Subsidies in Leicestershire.

1628, Sept. 18. Whitehall.—To increase rather than abate the value of the subsidies. *Copy.*

The Lords of the Council to the Commissioners for the Subsidies in Leicestershire.

1629, March 31. Whitehall.—To advance the assessment of those who have been undervalued, and to hasten the payment of the last subsidy. *Copy.*

The Lords of the Council to Henry, fifth Earl of Huntingdon, and the Deputy Lieutenants of Leicestershire.

1629, April 1. Whitehall.—On behalf of John Bowden, brought from the Low Countries to exercise the trained bands of Leicestershire, who complains that he has had no pay during the three years he has been in that employment. *Signed.*

There is a similar letter with reference to Bowden's services in Rutlandshire.

The Lords of the Council to Henry, fifth Earl of Huntingdon.

1629, April 17. Whitehall.—A similar letter on behalf of Richard Smith, who has been in that employment since June 1 last. *Signed.*

The Lords of the Council to Henry, fifth Earl of Huntingdon.

1629, April 30. Whitehall.—Instructions for a general muster, etc., in the counties of Leicester and Rutland. *Signed.*

The Lords of the Council to Henry, fifth Earl of Huntingdon.

1629, May 19. Whitehall.—To issue warrants for the collection of 200*l.*, still due to Walter Ruding, collector, out of 800*l.* advanced by him for the purchase of spades, shovels, carts, etc., for the defence of Leicestershire. *Signed.*

The Lords of the Council to the Justices of the Peace of Leicestershire.

1630, June 13. Whitehall.—Provisions against the expected dearth of grain. *Copy.*

The Lords of the Council to Henry, fifth Earl of Huntingdon.

1630, June 30. Whitehall.—Instructions for a general muster in the counties of Leicester and Rutland, delayed until now for fear of spreading the infection. *Signed.*

Order of the Privy Council.

1631, May 18. Whitehall.—

Present:

Lord Keeper.	Lord Viscount Wentworth.
Lord Treasurer.	Lord Viscount Falkland.
Lord Privy Seal.	Lord Bishop of London.
Lord Chamberlain.	Lord Newburgh.
Earl of Salisbury.	Mr. Treasurer.
Earl Exeter.	Mr. Comptroller.
Earl Danby.	Mr. Vice-Chamberlain.
Lord Viscount Dorchester.	Mr. Secretary Cooke.
Lord Viscount Wimbledon.	Mr. Chancellor of the Exchequer.

Whereas their lordships did in November last write, and have since written, letters to divers counties prohibiting the laying open of new enclosures and the conversion of arable grounds into pastures, such being prejudicial to the common wealth and tending to depopulation, but divers gentlemen have since been suitors to the Board for the perfecting of such enclosures as they have already begun, declaring that it is not their intention to decay any houses of husbandry or to take from them any part of the lands which have been occupied therewith without laying an equal proportion in quantity and goodness unto the same, and that, notwithstanding such enclosures, the full quantity of land shall be continued in tillage, they themselves undertaking to keep the highways passable and in good order at their own cost; the Board orders that their former directions shall be put in exact execution unless the owner of such land shall by writing under his hand delivered to the Board declare his consent to continue his enclosures under the provisions above mentioned and to yield to the caution hereafter expressed. Thereupon a bill shall be exhibited in Chancery or Exchequer Chamber by the Attorney General or some other of his Majesty's counsel, charging the said owner with his consent to the said provisions, and the owner shall by his answer upon oath acknowledge his consent and also declare himself to be the owner of the inheritance of the land and to have power to bind the land by his consent; whereupon a decree shall pass by consent binding all such owners, their heirs or assigns, tenants or farmers, to the observance of the said provisions. But if the owners shall refuse or delay to give consent to the making of such a decree, then the former directions of the Board shall be put in execution and they shall be proceeded against in the Star Chamber, or otherwise as the law prescribes. *Copy.*

The Lords of the Council to Henry, fifth Earl of Huntingdon.

1631, May 31. Whitehall.—Instructions for a general muster, etc. *Signed.*

Leicester Forest.

1631.—A number of letters referring to the Earl of Huntingdon's claim for compensation for his lieutenancy of the forest of Leicester, disafforested by Charles I.

Compositions for Knighthood.

1631-1632.—"A memorial of all the several things and passages about the compositions for the order of knighthood at the coronation of King Charles as appeareth by his Majesty's letters with those from the Lords of the Council and the commission and instructions under the Exchequer seal dated the 12th of February in the sixth year of his said Majesty's reign. Anno Domini 1630[-1]." *A paper book so entitled, containing copies of letters and instructions to the commissioners for Leicestershire (the Earl of Huntingdon, Sir Henry Hastings, Sir Wolstan Dixie and Sir John Skeffington); letters from Huntingdon to the other commissioners; minutes of meetings; lists of compositions, etc.* 56 *pp.* (10 *blank*).

The Lords of the Council to Henry, fifth Earl of Huntingdon.

1632, April 30. Whitehall.—Instructions for a general muster in the counties of Leicester and Rutland. *Signed.*

Proceedings of the Privy Council concerning Sir Arthur Haselrige.

1632, Nov. 28. "In the morning." Whitehall.—Present:

Lord Keeper.	Earl of Dorset.
Lord Archbishop of York.	Lord Newburgh.
Lord Privy Seal.	Lord Cottington.
Earl Marshal.	Mr. Secretary Coke.

Mr. Secretary Windebank.

Sir Arthur Haselrige, bart., and Sir William Faunt, knt., having been sent for by warrant from the Board upon complaint made by the Earl of Huntingdon, Lord Lieutenant of co. Leicester, that they refuse to pay the levies made for the fee of the muster-master and the charges of the musters, did make their appearance on the 21st of this month, when were also present Sir Henry Skipwith, knt. and bart., and Sir John Skeffington, two of the Deputy Lieutenants of co. Leicester. When the cause had been heard and order given to refer the particular examination thereof to a committee of the Board,

the said Sir Arthur used these words to the said Sir John, or to this effect—" If such gentlemen as you shall be suffered to shark the country of their money, it will be a very pretty thing," and, when Sir John complained to their lordships, Sir Arthur replying said softly—" I do not say so to the Lords, but only to you in private." Their lordships held those words no less offensive than the former and gave order for his commitment, but he returning into the chamber and coming to the upper end of the table did on his knees humbly crave pardon, whereupon they dismissed him.

Sir John Skeffington remaining unsatisfied for his particular did this day complain thereof to their lordships, and Sir Arthur having been sharply reproved for using such unworthy speeches did acknowledge his sorrow and pray Sir John to pardon them. *At the foot*—" 21 of February 1632[-3]."

The Lords of the Council to Henry, fifth Earl of Huntingdon.

1635, May 31. Whitehall.—To send up a memorial of the expenses of the musters. *Signed.*

The Lords of the Council to Henry, fifth Earl of Huntingdon.

1636, May 18. Whitehall.—Instructions for a general muster in the counties of Leicester and Rutland. *Signed.*

The Lords of the Council to Henry, fifth Earl of Huntingdon.

1637, Aug. 17. Whitehall.—To replenish the magazines of the counties of Leicester and Rutland with gunpowder, and to cause the trained bands to be exercised as often as may be. *Signed.*

The Lords of the Council to Henry, fifth Earl of Huntingdon.

1638, June 30. Whitehall.—Instructions for a general muster in the counties of Leicester and Rutland. *Signed.*

Proceedings of the Privy Council.

1638, Dec. 16. Whitehall.—

Present:
The King.

Lord Archbishop of Canterbury.	Lord High Chamberlain.	Lord Cottington.
Lord Keeper.	Earl Marshal.	Lord Newburgh.
Lord Treasurer.	Lord Chamberlain.	Mr. Treasurer.
Lord Privy Seal.	Earl of Dorsett.	Mr. Comptroller.
Duke of Lennox.	Earl of Sterline.	Mr. Vice-Chamberlain.
		Mr. Secretary Coke.

Mr. Secretary Windebancke.

This day was taken into consideration the making complete and increasing the number of horse in every county, as a most important part of the strength of the kingdom. It was resolved that every person having land of inheritance of the clear yearly value of 200*l.* or 300*l.* within the county, or other estate equivalent thereto, should be chargeable with a horse, *viz.*, 200*l.* a year with a light horse and 300*l.* a year with a lance, at the discretion of the Lord Lieutenant of the county; and that no one, his Majesty's own servants and their officers included, should be exempt from such charge, which latter direction was in conformity with the instructions contained in letters under his Majesty's hand dated May 24, 1626, and sent to the Lords Lieutenant of every county.

A copy of the present resolution to be sent to the Lord Lieutenant of every county. *Copy. Very badly decayed.*

CHARLES I to HENRY, fifth EARL OF HUNTINGDON, Lord Lieutenant of Leicestershire and Rutlandshire.

1638, Dec. 19. Whitehall.—To follow the instructions of the Council respecting the trained bands, and to increase both horse and foot, if it may be, so as to make a regiment of 1,000 men 1,500, and so proportionally. *Sign manual.*

CHARLES I to HENRY, fifth EARL OF HUNTINGDON.

1638-9, Jan. 26. Westminster.—To attend at York by April 1 with fitting equipage and forces for the expedition to the North. *Sign manual. Signet.*

CHARLES I to HENRY, fifth EARL OF HUNTINGDON.

1638-9, Feb. 19. Westminster.—The trained bands of the counties of Rutland and Leicester to be ready to march at 24 hours' warning in case of invasion by the Scots. *Sign manual.*

The LORDS OF THE COUNCIL to HENRY, fifth EARL OF HUNTINGDON, and FERDINANDO, LORD HASTINGS.

1638[-9], March 15. Whitehall.—Instructions for levying 230 footmen in Leicestershire, to be at Selby by April 1 if possible, or April 15 without fail. *Signed.*

There is a similar letter for 30 *men in Rutlandshire.*

CHARLES I to HENRY, fifth EARL OF HUNTINGDON, and FERDINANDO, LORD HASTINGS, Lieutenants of Leicestershire.

1638-9, March 18. Westminster.—To levy 230 men for service against the Scots. *Sign manual. Signet.*

There is a similar letter for 30 *men in Rutlandshire.*

The LORDS OF THE COUNCIL to HENRY, fifth EARL OF HUNTINGDON, and FERDINANDO, LORD HASTINGS.

1639, March 29. Whitehall.—For 50 horses and 17 carters out of their lieutenancy, to be at Newcastle-upon-Tyne by April 20 for the King's service. *Signed.*

The Lords of the Council to the Justices of the Peace and Deputy Lieutenants of Leicestershire.

1639, Aug. 25. Whitehall.—To inquire into the wrong done to the soldiers, discharged from service in the North, by the conductors witholding the money due to them. *Copy.*

Henry, fifth Earl of Huntingdon, to the Mayor and Burgesses of Leicester.

1639[-40], Feb. 8. Covengarden.—Recommending them to choose Mr. Every as a burgess of their corporation. *Copy.*

The Lords of the Council to Henry, fifth Earl of Huntingdon, and Ferdinando, Lord Hastings.

1640, March 26. Whitehall.—To provide 70 horses and 23 carters in Leicestershire, and 20 horses and 7 carters in Rutlandshire, for service in the North; to be at Newcastle-upon-Tyne by June 15. *Two copies.*

The Lords of the Council to Henry, fifth Earl of Huntingdon, and Ferdinando, Lord Hastings.

1640, May 11. Whitehall.—Sending, for their examination, a copy of a complaint presented to the King in Council in the name of Henry, Earl of Stamford, on behalf of himself and others of Leicestershire. *Copy. See* Cal. S.P. Dom., 1640, *p.* 146.

The Lords of the Council to Henry, fifth Earl of Huntingdon, and Ferdinando, Lord Hastings.

1640, May 27. Whitehall.—Postponing the date at which the horses and carters named in their letter of March 26 are to be at Newcastle-upon-Tyne to July 15*. *Signed.*

* *Altered from* Aug. 5, *which is the date given in the draft printed in* Cal. S.P. Dom., 1640, *p.* 224.

The Lords of the Council to Henry, fifth Earl of Huntingdon.

1640, July 13. Whitehall.—Approving his account of his services in the counties of Leicester and Rutland for raising the King's army. *Signed.*

Charles I to Henry, fifth Earl of Huntingdon, and Ferdinando, Lord Hastings, Lieutenants of the counties of Leicester and Rutland.

1640, Aug. 19. Westminster.—Concerning the Scottish rebellion. *Copy. See* Cal. S.P. Dom., 1640, *p.* 603. *Endorsed:* "This letter of his Majesty dated the 19th of August and was brought unto me the 26th of the same month, 1640."

CHARLES I to HENRY, fifth EARL OF HUNTINGDON.

1640, Aug. 25. York.—To muster all the trained bands of Leicestershire at some place northward of the county, and to raise what other forces he possibly can. *Copy.*

The MAYOR and CORPORATION of LEICESTER to HENRY, fifth EARL OF HUNTINGDON.

1640, Nov. 28. Leicester.—At a common hall lately holden we conferred about raising the 50*l.* which by your warrants we are in arrear to Mr. Robert Browne, treasurer. We find that our charge in sending our soldiers to Loughborow and other expenses for his Majesty's service in the North amounts to 150*l.* at least, which we know not how to raise by tax, by reason of the small trading we have had of late. At the time the said 50*l.* were charged upon us our town was visited by the pestilence, to our cost of 150*l.* or above, besides great loss in our commerce; all which we ourselves defrayed without charging the country one penny. By reason of the contagiousness of the disease our soldiers were driven to stay at home and could not be trained among the others. We are bold to move you, the premises considered, to spare us from payment of the said 50*l.* *Signed.*

CHARLES I to the EARL OF HUNTINGDON and others, Commissioners of Array for Leicestershire.

1642, June 12. York.—Prohibiting unwarranted musters and appointing a commission of array. *Copy.*

The MAYOR and ALDERMEN of LEICESTER to [HENRY HASTINGS,] LORD LOUGHBOROUGH, Lord Lieutenant of Leicestershire.

1660[-1], Jan. 20. Leicester.—We thank you for your noble favours and will not be wanting in the King's service, begging that (as occasion shall happen) we may receive your commands. There have heretofore been many meetings of fanatics in this town (that came from several towns in this county) at some houses of their party. Some of the chief of them were secured upon the first rumour of the late troubles, but since the King's proclamation we cannot find that they have had any meetings although we have made strict searches. We have some few in prison for refusing the Oath of Allegiance, but they are very inconsiderable persons and so we conceive their party in this town and county would have been if their wicked design had proceeded. *Signed.*

The LORDS OF THE COUNCIL to LORD LOUGHBOROUGH.

1662, Oct. 31. Whitehall.—To settle the militia of Leicestershire as directed by the late Act of Parliament; to order his Deputy Lieutenants to seize the arms and ammunition of suspected persons, to disarm all factious and seditious spirits

and to set watches in the highways with direction to disarm such persons as travel with unusual arms and at unseasonable hours and to apprehend such as cannot give satisfactory accounts of themselves. *Signed.*

CHARLES II to LORD LOUGHBOROUGH.

1666, July 2. Whitehall.—To certify how much of the money granted by Act of Parliament for the militia of Leicestershire has been spent in the county; the balance to be paid to Sir Stephen Fox for the three regiments of horse which are to be raised. *Sign manual. Countersigned by* Sir William Morice.

The BOROUGH of LEICESTER.

1684, Sept.-Oct.—A series of letters concerning the surrender of the old town charter, and the granting of a new.

The LORDS OF THE COUNCIL to THEOPHILUS, seventh EARL OF HUNTINGDON, Lord Lieutenant of the counties of Derby and Leicester.

1688, June 10. Whitehall.—Announcing the birth, at 10 o'clock that morning, of a Prince of Wales. *Signed.*

JAMES II to THEOPHILUS, seventh EARL OF HUNTINGDON.

1688, Sept. 22. Whitehall.—Whereas we have thought fit, upon the issuing out of the writs for the meeting of Parliament, to publish the enclosed Declaration, and being persuaded that having expressed ourselves thus plainly many of the Deputy Lieutenants and Justices of the Peace who have been lately removed within your lieutenancy will readily serve us; we, depending entirely upon your judgment, do authorize and empower you to give deputations to such of them as you shall think fit, without expecting any further directions or any approbation of them from us. And as to those gentlemen who were Justices of the Peace and whom you shall think fit to be put into the Commission of the Peace, you are to transmit their names to our Chancellor, who will give orders for it accordingly. *Sign manual. Countersigned:* "Sunderland L[ord] P[resident]".

JAMES II to THEOPHILUS, seventh EARL OF HUNTINGDON.

1688, Oct. 9. Whitehall.—Having received complaints of great abuses and irregularities committed in the late regulations of the corporations, we require you to inform yourself of all such within your lieutenancy and to make report thereof to us, together with what you conceive fit to be done for redressing the same; whereupon we will give you such further order as shall be requisite. *Sign manual. Countersigned:* "Sunderland L[ord] P[resident]".

JAMES II to THEOPHILUS, seventh EARL OF HUNTINGDON.

1688, Oct. 19. Whitehall.—Whereas we find it necessary upon this intended invasion that the kingdom should be in a posture of defence, we give you warrant forthwith to raise such part of the horse militia as you shall think requisite for preventing evil-disposed persons to go to the enemy and for securing the peace and quiet of the country; and, in case you find any person, of whatever quality, endeavouring to raise men without a commission from us or doing anything else which may disturb the peace of our government, to seize and secure such person with their adherents and accomplices. *Sign manual. Countersigned:* "Sunderland L[ord] P[resident]".

XVII. NOTES OF SPEECHES AND PROCEEDINGS IN THE HOUSE OF LORDS.

A. 1610 to 1621.

(i) JUNE 12, 1610.

"The Speech of the Bishop of Lincoln on Tuesday morning the 12 of June 1610 against the bill that no canons shall be good that is not confirmed by Parliament.

"My Lords, knowing my own infirmities to speak and that not the matter but the person that speaks praiseth the speech, I should hold my tongue; but this toucheth the Church so much that I cannot be silent. The Church cannot have the same favour as other causes, for when the matter of provenance was in question, then it was said, it touched the King's prerogative, and then the officers stayed the dispute thereof. This that we do is confirmed by the Great Seal and there in this is the King's power called in question, and that denied to him which was ever granted unto his Majesty's predecessor. The King's prerogative is either *preumitum aut affixum* and the King is *mixta persona cum sacerdote*. The Church hath only power to make canons, and not laymen, for it hath the keys, and those things it binds shall be bound and those things it looseth shall be loosed. And where it is said the canons are made in private and in corners, that is most false, for they are made in the greatest city of this realm, fairest church in that city, and highest place in that church, as near the altar as may be. Therefore shall I now leave this bill unto your Lordships' grave consideration."

(ii) [NOV. 13, 1610,] to FEB. 9, 1610[-11].

Note:—This section and that following were transcribed, and sent to the printer, in the exact form of the original documents. Certain alterations have been made in proof. The spelling has been left as it was, including abbreviations; but where conventional contraction symbols were used, they have been expanded. Punctuation has been added or modified to clarify the sense except in a few particularly obscure passages where it has seemed better to leave the reader to make his own interpretation. There has been an attempt to introduce consistency into the employment of capitals. A few obvious and a few conjectural emendations have been made, the latter being indicated. It should be borne in mind that it has been impossible to collate either transcript or proofs with the originals.

"The Kinges Ma^tie at the beginninge of the last session declared vnto you his wantes and the cause theirof and although you have knowen them yet hath there bene but litle regard had vnto them, and this experience of want hath so taught his Ma^tie what it is to want as he will never come vnto the like again hereafter, and though both the howse above and beneath be a grave and wise assembly yet it is impossible to have secrecie kepte, for 3 may keepe counsell if 2 be away, so as neither the vulgar people nor forraigne States whose Embassadors are legiars in this cittie can be ignorant theirof. I may say his Ma^tie was pleased to accept the like sacrafice as o^r blessed Savior Christ Jesus in the acceptacion of a paire of doves for all the rest of the sacrifices but you offer so slowly as neither his Ma^tie nor wee know whether you meane to bring any thinge. The Kinge did thinke like Noah his Arke where the birds fledde for shelter and safetie to relieue himselfe and his children in the Arke of his Parliament; and we ioyned w^th you in petition to get (as I may say) the tree of the Crowne: yet though this tree of tenures should be rooted out, yet we intended there might be in the steede theirof planted a fyne vineyard of sweet grapes and pleasant wyne, w^ch who are the cause theirof God forgiue them (I thinke it will be repented hereafter) that broke[:] the cause I concieue was not out of want of love and dutie but too great diffidence, and although accordinge to the great varietie of the obiect and feare of charge some spoke against it yet none that spoke against it meant ill. I must tell you his Ma^tie is now worse then he was at the beginninge of the session by grantinge those favours before named by 50^ty thousand poundes *per annum*: though you may say he had noe iust right vnto them that was more than he knew, for those imposicions were not *de novo* but came vnto him in the right of his Crowne from his predecessor the Q: of happie memorie my late deere Mistris and since that tyme assured vnto the K: of his right of inioyinge them by all the Judges of the Kingdome. The hardnes of this grantinge supplie I desire the K: should knowe, that want must not be voluntarie and supplie not tributarie. I know the Kinges vertue goodnes, and my honistie and theis are competible. I hope we shall not need such totaliges [? tautologies] to perswade a lower howse as hath beene [?], for I am awearie of this office being against my nature to crave though vrgent necessitie compells me. Where I owe an obligacion alreadie as I doe vnto the Kinge my Mr there would I be gladde to owe more and theirfore I will not be backward to petition vnto his Ma^tie for theis thinges in this paper the w^ch I will not comment vpon, for lawyers of w^ch number you haue many in your howse will picke out much stuffe. The thinges enumeratiue I have deliuered. I conceiue we have lost our contract *per motum trepidationis*. If the heart send not spirites we shall have no motion and if noe motion then the spirites are lost. If you give then is their spirites added to the heart,

and if the Kinge would be pleased to doe theis favours then I doubt not but they will adde motion to your spirites. If you have theis thinges from the K: neither is from the guifte any glorie taken away nor the guifte made lesse if you contribute not.

Lo: P[rivy] S[eal].

I should have bene gladde to have spoken vnto you (worthy Knightes, Citizens and Burgesses) *in loco vltimo*, beinge vnto you all *facultate minimus*, although in this argument am I sorrie to have cause to speake yet myselfe beinge most bound vnto his Ma^tie findinge his necessities soe great I am informed the necessities have bene excellently deliuered by my Lo: that spoke before me: yet (worthy gentlemen) giue me leave to tell you I thinke in conscience we ought to relieue him, for as I once have said soe if I should speake 20 tymes more vnto you must I say that as longe as this is a Monarchie it must maintaine the Monarch, and the sooner it is done the better, for (as in one of o^r one howses) if there be a decay we let it not stay till it growe worse and worse, but mend it at the first, for 20*l.* may repaire it, when a hundred will not, soe the longer his Ma^tie resteth in this necessitie the more will he neede, and shall the Kingdome nowe when it enioyeth by him a secure peace and soe hopefull an issue w^ch promiseth a continuance vnto the end of the world let him want? For theis excellent benefitts shall we giue nothinge, and suffer soe delicate and hopefull fruites faule and let that starre w^ch shall survive this Sunne want meanes to keepe the fruite from beinge frostbitten? Where we on the contrary in this necessitie we should forgoe some of o^r idle and needeles pleasures, to relieve theis wantes, na rather o^r huntinge and hawkinge or what most delightes vs, as euery one of vs hath some one or other delight wherein we take most pleasure, and shall the Kingdome be able to maintaine warres at a continuall charge as in the tyme of the late Q: and we not able nowe to maintaine the ordinarie charge? Shall his Ma^ties bountie not be regarded but condemned, w^ch in former tymes we would have thought the greatest vertue? Shall that tyme relieue the necessities of K.H. 8. whose revennues were exceedinge great by the dissolucion of the abbeys and we not nowe relieue the Kinge my maisters? It is seldome seene but Kinges are addicted vnto pleasures, na more then others by the fulnes of their diet, and largeness of their meanes to satisfie their affections in what they delight in, I [aye] pleasures *cum peccato*, as some vnto excesse of glorious apparrell, some vnto luste, some vnto surfeitinge, some vnto drinkinge, and yet their estate helped when they were in neede, and my M^r vnto none of theis but vnto fittinge delightes and yet not helped, noe not to be able to aide the Marques of Brandenburgh in his necessitie, in soe just and religious a cause, for want of meanes, but nowe for want must leaue supportinge him. Consider with yo^r selues

howe yor hopes haue made the Kinge both to promise aide vnto him (wch he would not have done) vpon yor promise to doe as became lovinge and dutifull subjectes in a due tyme [—] had not theis promises bene should I have said, for a man that beginneth a howse and knoweth not howe to finishe it is not wise, wch I cannot say of the Kinge my Mr who looketh before he beginne an action the meanes howe he is able to perfect it.

Yor hopes caused this honor and comfort vnto vs all of the Prince his creation, wch nowe beinge done must take from his Matie soe much of that you should have giuen him for his maintenance as there would not have bene much lefte. When I was yonge and ranne the wildest course, wherein I spent as muche as any of my rancke, when I sawe my meanes would not hold out that made me take the stricter course wch I would not otherwise of my owne disposition have done, soe necessitie may make the Kinge doe that wch although he may doe by lawe you would be sorrie for and I hope never liue to see. Yor delayinge him wth hopes might make him lesse carfull to be provident, for when I was yonge I should as longe as I sawe any likelihood to be reliued vpon promises care not soe much what I spent, when I sawe vpon the alteracion of my courses I was more supplied then grew I wise wch otherwise would have made me negligent. You see his Matie hath slacked his expence, and soe will he: if he see you take notice theirof he will still increase that care. Giue me leave to meete with some of the objeccions are giuen forth which are rubbes in this busines, the one that if the K: spend more then he hath he must not looke to be relieued, the other that he hath given much away. For the first the expence beinge iuste and of necessitie the people must relieue him, for the King must not want; for the second it may be the K: hath flowed too much in his guiftes some way, but nowe that is amended. To conclude I beseeche you to consider of his Maties wantes and set him one cleare board and then you shall see what a husband he wilbe.

Lo: Chancelor.

As I nowe speake last soe am worst able to speake, beinge decayed in my memorie and in great yeares, besides it is nowe soe as if I have taken any notes, I have not light to reade them. But this matter hath bene soe fully handled as I can say nothinge wch hath not bene alreadie said, only let me adde this: that theis thinges that have bene propounded wherein my lordes will ioyne wth you in petition to his Matie are of great worth and soe great that heretofore they were accompted of good worth as respite of homage though but little to his Maties coffers yet very chargeable to the subject to pay it euery fifte terme.

To tie the K: to limitacion of 60 yeares an infinite quiet vnto the subiectes. Pardon me who comptes himself one of yor number to say that if this goe not on it wilbe a discredit vnto vs to leave or Kinge in want and a meanes to make his subjectes

lesse regard him knowinge his pouertie and forraigne States readie to invade vs hearinge of the Kinges inabilitie either to defend or offend, and theirfore I pray you in yo^{r} wisdomes weigh all circumstances and take a speedie course, for the longer before the K: be relieued the more will he neede supplie, and the greater his debtes. This I have said is out of my conscience and not by direction from the howse, the w^{ch} nowe I have deliuered I leave vnto yo^{r} wisdomes and consciences.

Thursday the 15th of Novemb. 1610.

Never a bill reade.

Fryday the 16th of Novemb: Starr chamber day.

Satterday the 17th of Nov.

Never a bill reade but only the Princes bill brought into the howse by the comittees.

Munday the 19th of Nov.

Because we had noe business we satt not.

Tewsday the 20th.

Whether they thinke it fitt to relieue him.

After this my L. Trea: called out for Sir Nath. Bacon,

who answeared

That he thought his Ma^{tes} debtes were as the[y] had been deliuered but seinge that contribution depended vpon retribution supplie vpon support the one fall the other ought and that in his opinion in this kind nott to relieue the Kinge and the tyme beinge vnseasonable havinge deliuered vnto the countrey what they shoulde have beinge nowe otherwise [*sic*].

Sir Tho: Beamont sen^{r} shewed the greatnes of impositions.

Wee were told by my Lo: Treasurer in the house that we should deliuer vnto the lower howse a message the next day in the afternoone but the next morninge the Kinge sent it them by their Speaker w^{ch} was this as I heard.

That seeinge they had been sutors vnto him by their message on Satterday before, that seeinge they were not able to deale as now his Ma^{tie} demaunded, he would thinke of them as of lovinge and dutifull subjectes who are willinge in themselves if the countreys were able to satisfie this desire of his Ma^{ties}.

His Ma^{ties} Answeare.

That they should not troble themselues any more with supply and support for that he was satisfied with their answeres.

Vpon Fryday the Kinge hearinge that some of the lower howse had spoken against supplie wthout support his Ma^{tie} in that afternoone sent for 60 of them to attend him

Sr Edwine Sandes the pouertie of the people.

Sr Harbert Crokes the vnfittingness of the gouernment of Wales and the fower shires, viz: Worcester, Glouc., Shropshire and Herefordshires. The K: discoursed long wth theis gent hereabout and wth some others of the lower howse.

in the Counsell chamber, when they came he made a preamble that he would have them speake freely and he would pardon them what they should say to him.

His Mates speech (as I heard) for none of our howse were present but the lordes of the Counsell.

First whether they thinke his wantes to be such as have been deliuered by himself and my Lo: Treasurer wth many more questions.

The cause why the Kinge and the Parliamt doe breake the contract I conceiue is this:

1. First because the Kinge doth demaund the supplie of fiue hundred thowsand poundes before the support be granted.

2. Secondly because the Kinge doth demaund that the officers fees should be satisfied, which will come vnto 40 thowsand poundes *per annum* duringe their liues.

3. Thirdly because the K: will have it all vpon land to be laid, which they knowe not howe by that meanes to leauie it.

4. Fourthly and lastly because the Kinge will not acknowledge his prerogative to be inferior to lawe, and theirfore noe good assurance and tie can be made but his prerogative wilbe above it.

Lo: Riche.

May it please yor Lpps. For my owne parte I doe not speake against the bill, but seeinge I have bene of the howse this 30 yeares I never sawe a newe bill brought in after it is committed, but either mended and soe past or els thrown out.

Lo: Trea[surer].

My Lordes: I must needes say I had a desire to haue this bill dispatched butt I had rather that it should stay the longer then that the order of the howse should be broken, for although I am one of the yongest Parliament men in this howse yet not the yongest man and I have observed howe dangerous a thinge it is to alter forme or precendentes, for broken in lesse thinge the[y] wilbe in a greater.

Lo: Knowles.

May it please yor Lpps. The bill is soe interlined that it cannot be well vnderstood and we are to judge accordinge to or vnderstandinges. I have seene a new bill brought into the lower house when the former could not be reade.

Lo: Chancelor.

I have seene when the amendem^{t}es have bene great and many that the bill hath bene let to sleepe, but noe newe bill brought in when the other hath bene committed; theirfore to keepe the ancient manner of the howse if yo^{r} Lpp^{s} that are of the comittee goe out and let this bill sleepe and bringe in the other it keepes the forme of the howse.

Soe they lo^{s} went out that were of the committee and brought in the newe bill of the Princes, w^{ch} was twice reade and put to ingrossinge.

Wednesday the 20th of November. Starre Chamber day.

Thursday the 21th of November.

The Princes bill beinge readinge my Lo: of Shrewsbury moovinge my Lo: Chancelor in his eare, it was put of till Satterday.

Fryday the 22th of November. Starre Chamber day.

Satterday the 23th of Nov: 1610.

The provisoe of the Princes bill put in w^{ch} (it seemes) was not before, for when the bill came to the 3 readinge my Lo: Chancelor said he was sure that the comittees had seene it, but upon dispute it was thought fitt to have it passe w^{t}hout it.

The Kinge offerred thes thinges after written vnto the lower howse, w^{ch} seeinge they regarded not their howse was adiourned vntill Thursday at eight of the clocke in the morninge at w^{ch} tyme likewise o^{r} howse was adiourned vnto.

The 4 thinges offerred by his Ma^{tie}.

1. That noe imposicions should hereafter be laid but by Parliament and seinge they disliked the name impessition let them reserve the profit to the Kinge and call it what they will.
2. That proclamations should be reviewed and those (if ther were any) contrary to lawe taken away.
3. That the Kinge would be tied by Parliament to prescription accordinge as in the subjectes case.
4. That they should have wardshippe of bodie.

Thursday the 29th of Novemb. 1610.

The Court was adiourned vntill that day sevennight at half an hower after 9 of the clocke in the morninge the 6th of Decemb. 1610.

After prayers the commission vnder the Great Seale of England was reade for the adiourninge of the Parliam^{t} vntill the 9th of February followinge 1610, all the lordes beinge in their Parliament robes and the lower howse beinge there present.

The names of the Comissionars for the adiourninge of the Parliam^{t} or to any five, 4 or 3 of them:

The Lo: Chancelor	The E: of Huntingdon
The Lo: ArchB. of Yorke	The E: of Bedford
The Lo: Trea:	The E: of Exeter
The Lo: P.S.	The E: of Montgomerie
The Lo: Admirall	The L: Viscont Lisle
The Lo: Chamberlyne	The B: of London
The E: of Arundell	The B: of Durisme
The E: of Shrewsbury	The L: Zouche
The E: of Darbye	The L: St. John
The E: of Worcester	The L: Knowles
The E: of Cumberland	The L: Wotton
The E: of Sussex	The L: Stanhope

The L: Walden

Lo: Chancelor.

Mr. Speaker: and you the Knightes, Citizens and Burgesses of the Lower Howse of Parliam^{t}: his Ma^{tie} consideringe that the great and solempne feast of the Nativitie of o^{r} Savio^{r} approacheth neere, and that it hath bene the ancient custome of this Kingdome for gentlemen to repaire vnto their countreys and to keepe hospitallitie for the reliefe of the poore, the which though nowe adayes it be much laid aside, which hath bene by reason of mens great expence in apparrell and otherwise, hath bene anciently greater in England then in any other Kingdome, beside the w^{ch} doth beget affection of their neighbours, but nowe theis citties of London and Westminster are much pestered because most men repaire hither and liue out of their countreys, for Justices of Peace and burgesses of townes you are bound by yo^{r} places to live in the shire or townes and to giue yo^{r} attendaunce there, his Ma^{tie} hath giuen me in charge to commaund you that you looke carefully that the lawe for the poore be duly observed. I have noted one thinge, that yo^{r} auncestors though they had noe authoritie were soe painfull and carefull as soone as they heard of any differences or sutes betwixt any of their neighbours [they] would interpose themselves and mediate an end, by w^{ch} meanes the expence of tyme and much money was saved and the Courtes at Westminster nothinge neere soe filled and pestered wth causes as now they are. Nowe havinge done my dutie accordinge to his Ma^{ties} comaund I will end with prayer wherein you will ioyne wth me that his Ma^{tie} and the Q: may liue many happie dayes and his posteritie for ever to continnue.

Although the Court was adiourned vntill the 9th of February after in the said year 1610 the Parliament that day was dissolved by comission vnder the Great Seale; and the Parliam^{t} after began not untill the 5th of April 1614 which was full fower yeares after and somwhat more."

(iii) April 5 to June 7, 1614.

Note :—See Note at head of section (ii) (*p.* 222).

" A booke of remembrances of those thinges that doe happen and are done in the higher house of Parlyament begunne the fyfte daie of Aprill 1614 and in the twelveth yeare of the raigne of o^r^ Soueraigne Lord James by the grace of God of England Scotland Fraunce and Ireland Kinge.

Aprill the 5.

His Ma^tie^ went and rode in state from Whitehall about eleaven of the clocke vnto Westmynster Churche and there heard a sermon, Tobye Mathewe the Archbishoppe of Yorke preachinge, beinge attended w^th^ the Lordes Spirituall and Temporall in theire Parlyament robes, and from thence vnto the Parliament house a foote and after he came thither he delivered this speeche (as neare as I coulde take it)

followinge

My Lordes of the Higher House and you the Knightes, Citizens and Burgesses of the Lower House of Parlyament. It is a most true sayeinge of that wise kinge in the Scripture that noe man can searche the hearte of a kinge, but because that lyes not in yo^r^ power I will as in the last soe in this Parliament give you a myrror the w^ch^ as I then toulde you could not be marde but eyther by lettinge it fall, the obiecte not cleare, or by foule handes or breathinge vpon it; but I giue it you as candide as is theis apparell w^ch^ I weare for I haue noethinge to present you w^th^ but a myror w^ch^ is cleane and vnpoluted and I hope it shalbe more esteemed and better accepted of then heretofore; for both in whitenes regarding the integritie of my hearte and rednes the soundnes of yt I offer it to you and w^th^ it as the philosophers doe speake three happinesses, *bona animi*, *bona corporis*, *bona fortunæ*. Into theis three partes will I devyde my speeche and that w^ch^ I haue to saie vnto you. And first *bona animi*: I include those thinges that doe concerne religion w^ch^ we ought most to esteeme and regard. Yet in that for myself I neede not saie much, all or the most parte of you knoweinge well my sinceritye in religion as both my practize, bookes, scriptes, lawes doe witnesse, yet I must needes saye w^ch^ is a marvayle that Poperye doth soemuch encrease and Papistes growe soe obstinate that not longe since havinge occasion to give direction for the Oathe of Alleagyance to be administred a peere of this house toulde me that in that countrey, w^ch^ I will not name, Papistes were so encreaste that he coulde not tell a fitt Justice in that countrey that woulde administer the Oathe of Alleagyance but eyther out of feare that he durst not or affection that he woulde not. Nowe you see the cause and the well knoweinge of a disease w^th^ a fittinge remedye is half the cure. Therefore I will tell you my mynde. There are divers lawes formerly made soe introcate and obscure that Papistes either out of presumption that they will not take holde of them

or els out of hope of impunitye of punishment regard them not. I must saie that in the Oathe of Alleageance at wch soe many stumble at there are twoe or three thinges wch I will tell you hereafter wch are fitt to be amended that the clearenes of the lawe maye the better shine and shewe forth it self, and as I wishe that these lawes and soe haue given order to my lordes the Judges maye be truely executed soe doe I thincke it vnnecessarye to make anye more lawes against them, for truthe and falsehoode cannot stand togeather; for if this be the true religion Poperye will fall, if it be not then the more it is suppressed the more it will encrease, for I never sawe either true or false religion bettered by persecution; for allthoughe manye of the martyres of or Churche dyed for the truthe, wherein they weare happie, yet I maye saie it grewe to that height that every man gloryed more in the sufferinge then there was cause, for it was growne to soe greate a height that every man thought himself happie that coulde dye a martyre. If anye preacher preache an idle and foolish sermon naye heretickes and those of all seckes will rather suffer the fyer or hanginge then recant theire error, therefore I speake to haue the lawe purged and after agreement to be fully put in execucion, for *Lex mortua non est lex sed cadauer*.

The next poynte I shall speake of is *bona corporis*, concerninge safetye, wch word onely differs in respecte of the language, *salus* in Latin. And as in the first place you weare to regard these thinges of the soule soe in the next is to be regarded those that concerne the bodye, wherein I include the safetie of myself and issue. Since that tyme that we met laste in this place it pleased God for my sinnes and yours to take awaye a greate parte of my happines and your comfort, for I maie saie wth the sentence taken in the contrary that *Deus abstulit Deus dedit*; for when it pleased his Matie to take awaye my sonne he hath givin me nowe not longe after a grand sonne, soe that he hath shewed me a newe favour *in eodem genere*. This match I made wth the Palatine for my daughter I did it *Reipublicæ causa*, for I might haue matched her eyther wth Spayne or Fraunce; but because she was yonge and could haue noe more groundinge and setlinge in religion then she had by two or three yeares educacion, the wch I thought might easilie make her revault, made me marry her that she might be marryed to one of the same religion that she had sucked the mylke therof from her cradle, for els might there haue beene a greate difference and they become like an Isaacke and Ismaell. I cannot but tell you of that wise course helde by my predicessor of whome I am discended that when he might haue marryed his daughter vnto the twoe former places where I was offered he woulde not but maryed her into Scotland, alleadginge that the greater woulde carry the lesse and perchance England bringe Scotland to it but impossible for Scotland to bringe England; soe in the like manner England will bringe the Palatynate but impossible that that should

carry England: besides his abilities are such as I maye truely say there cannot be found more in one of his yeares, wch noe doubte hereafter the worlde shalbe well wytnesses of. And for his person if I weare a woman I had as leeve choose him to be my husband as any man in this kingedome; and in the same Acte to expresse that if soe be the issue male of my body shoulde be spent that then she and the issue of her body are to succeede in this imperiall Crowne, the wch thinge is not vnvsuall for you made the like recognition at my cominge to this kingdome.

Bona fortunæ. As a man maye liue wth meate and drinke wch is inoughe to be yet not *bene esse* wthout rayement and apparell, soe the two former cares are not sufficient wthout this last and latter; and as I made this match *Reipublicæ causa* and sacrificed my daughter to the Palatine soe *Reipublicæ interest*, and you cannot but ymagine that the charge of this mariage performinge it both for my creditt and the honor of the kingdome beinge as sumptuously performed as ever anythinge done amongst you colde not be but a very greate charge vnto me and the keepinge of the Palatine sixe monethes heare before the solempnizinge thereof. I will not speake of the busines of Ireland for the keepinge of it sound in religion and vnpoluted, the wch my officers knowe what charge it hath beene vnto me. I will not nowe deale wth you by waye of a bargaine as at our last meetinge but will tell you what I will graunt you, the wch thinges shalbe such fruytes as apperteyne vnto a iust prince; for if I shoulde like a marchant treate wth you where a contract beginns affection ceaseth and I houlde the affections of my subiectes to be the best purchase. I covett noethinge from you but soe much out of yor loves as you will graunt me regardinge the necessitie of my people, for I leave the quantitye of yor guyfte to yorselues. The thinges I will out of my grace and favour give you I will not nowe sett downe, being too base for me my self to doe it, but doe leave that till or next meetinge for one of my servantes to doe.

Allthough there haue beene many speeches given abroade that the Kinge woulde stretch his prerogative like other of my predecessors I never meant it, for he that over much streanes and blowes his nose will cause bloud, soe if a prince should stretch his prerogative it would cause his people to bleede.

It is reported I am sure amongst you that there shoulde be some that shoulde be vndertakers for me and that the Kinge shoulde haue a packt Parliament: whoe soever shoulde thincke soe I shoulde counte him a traytor. I assure you there is noe such thinge, for whoe soever shoulde doe this I shoulde holde him a knave and you might accompt me a foole: the onely thinge that was tolde me was this (wch every good subiecte would doe the like) that talkinge wth some of the vpper house and others that wayte vpon me they did assure me that I had noe reason to doubte but that the people knoweinge my necessitie woulde willingly contribute to relieve me and to paye my debtes.

It hath beene tolde me wᵗhin theis fower and twentie houres that there is greate difference about the elections of knightes of the shire [:] wherein the lawe hath allready provyded for to fyne the Sheriffe I will see executed and for the punishment of the other I leave it vnto you. I may thus saie and speake it truely that I never endevored to put in anye, put out or except against anye, holdinge it too greate a basences for a kinge to take exceptions at anye that were chosen but leave them to the countryes and burroughes to choose for themselues.

If you aske me the cause whye I called the Parliament there is reason inoughe to doe it, that I might take away the misvnderstandinge betwixt you and me wᶜh was in the last Parliament, for *Sub-lata causa tollitur effectus*. The princes my predecessors haue not used to doe theire subiectes grace and favour vntill the end of the Parliament: I will give you those thinges wᶜh you shall have at our next meetinge wᶜh shalbe wᵗhin theis fewe dayes. The waightines of these businesses doe require a grave consideracion and doe not prefer triviall and meane thinges before the errand for wᶜh you are called: besides the season of the yeare goes on soe fast as we cannot continewe longe togeather.

I am not against yoʳ offeringe of greevances soe that you shewe discretion and moderacion in the offeringe them, for you knowe the state of the countrey that live there better then I doe: only you may doe well not to take them of every one and in the streate as thoughe you went a begginge for greevances but such as you knowe in yoʳ owne knowledges to be soe. And whereas it is given out that my proclamacions are in steade of lawes because of makinge my longe proclamacion against duells, [it] was not that they should be as lawes but to expresse my self against fightinge and massacringe one another vntill such tyme as a statute coulde be made against it, wᶜh I conceived to be a godly action.

Nowe for the order of proceedinge. I like not that you shoulde come as heretofore and to speake in conferences and sometymes to come wᵗh eares and other some tymes wᵗh eyes, but those thinges that are apt for the higher house to be sent thither and those for the other thither soe that this will much further and helpe the busines and bring it sooner to an end. For I meane not nowe to haue deale but wᵗh those thinges that concerne the supplie of my necessities for I intend to haue this Parliament continue another session the wᶜh shalbe at furthest if not sooner God willinge in the beginninge of Michaelmas terme; for in this a kinge differs from a tyrant, for a good kinge never thinkes himself happie but when he is in the middest of his people but a tyrant who governs by his owne will feares and is afrayde to assemble his people least his faultes shoulde be layde open, but a king knowes his subiectes can never have soe good accesse vnto him, speake so freely and safely and haue meanes to laye open the iust complayntes

and greefes of his subiectes as in Parliament, and this Parliament I hope shalbe called the Parliament of love for I will not endure any more to haue messages brought eyther from the higher house to me from you by yo^{r} Speaker nor my answeares by my servantes w^{ch} bread a greate deal of ill affection and mistakinge betwixt vs (God forgive them that weare the cause thereof) but if soe be you doubte of anye thinge I will speake wth you my self; yet herein doe I not disallow conferences betwixt either house to ripin matters wherein you are desirous to knowe my pleasure. As this Parliament is principally called to releive my wantes soe I trust to meete wth you at Michaelmas, at w^{ch} tyme I will promise you to aske you noethinge and soe assure yo^{r} countryes, but saie my masters come let us consult what is good for the common wealth and what lawes are fitt eyther to be added, amended or taken awaye, and you in all humble manner to enforme me what is amisse and fitt to be amended in the common wealth and I take delight in yo^{r} love eache house wth the love of other and we all reioycinge in one love and affection takinge delight to doe good to the whole common wealthe and this is all I will saie to you at this tyme.

My Lord Chaun: tolde the lower house his Ma^{tie} gaue them leaue to go downe and choice ther Speaker.

Mr. Randolph Crewe a Reader of Lincolnes [Inn] was chosen Speaker the same daie in the afternoone that his Ma^{tie} made this former speeche: this daie beinge Thursdaye in the afternoon the 7 of April 1614 the lower house came up wth thir Speaker and he made this speeche followinge vnto the Kinges Ma^{tie}.

Most gracious and excellent Soueraigne, the Knightes, Citizens and Burgesses of the lower house of Parliament haue accordinge to yo^{r} Ma^{ties} pleasure and commaund consulted and conferred togeather to choose theire Speaker and have made choyse of me yo^{r} Ma^{ties} most humble subiect, wherein gracious Soueraigne they have lefte the cedars and chosen me the meanest shrubbe of theire house, whereof I must complayne vnto yo^{r} sacred Ma^{tie} that they haue layde a burthen vpon me too heavye for me to beare. Alas I am a childe and doe tremble to speake before soe greate a Kinge, soe noble honorable grave and wise peeres, soe judicious and vnderstandinge gentlemen. I haue read that when Moyses was chosen of God to speake vnto his people he desired to be excused. Oh howe I am perplexed for I am to speake to a Kinge not a tyrant, naye to the most judicious and learnedst Kinge in Europe, and for worthye men not slaves. Howe then should I speake or can I speake before soe worthye a Kinge and to that Kinge for soe worthye a people? A Speaker if it weare possible shoulde vnderstand and knowe the very harte and affection of those his hearers to whom and for whome he shoulde speake, but my buckett is too shorte to searche into

soe deepe a fountayne: therefore most gracious Soueraigne I humblie beseeche yo^{r} Ma^{tie} I yo^{r} humble servant to be graciously mynded to giue them leave to choose a more worthie Speaker, for I maye saie wth that greate Kinge recorded in the Scripture that I am not accustomed wth this armour. Gracious Soueraigne, graunt me yo^{r} vnworthye subiecte this petition least in vndertakinge this matter I loose my self and wth it my fortunes.

My Lord Chancellor's Replie.

Mr. Crewe, his Ma^{tie} hath considered of yo^{r} humble suyte and modest speeche whoe holdes it the parte of a wise man to disesteeme himself: his Ma^{tie} accepteth yo^{r} humilitie but will not graunte yo^{r} suyte but comendes the Knightes, Citizens and Burgesses for their choyse. Therefore his Ma^{tie} would haue you accepte it chearefully.

Mr. Crewe.

Most gracious Soueraigne, seeinge I cannot gett a relaxacion and remission of my suyte I have learned out of the booke of God that when the childe was sicke Dauid greeved but when it was deade ceased his sorrowe. Therefore out of obedience I doe humblie accepte it, beseechinge Allmightie God that this businesses we are to goe in hand with duringe the Parliament may tend to his honor and glorye, the good of yo^{r} Ma^{tie}, the comfort and benefite of the whole State. Nowe I doe humblie beseeche yo^{r} Ma^{tie} both in the behalf of myself and the rest of the house that yo^{r} Ma^{tie} wilbe pleased that *in libero senatu libere loquantur* and that we may retain the liberties of our house; and if at any tyme there shalbe anye reportes brought to yo^{r} Ma^{tie} that before yo^{r} Ma^{tie} condempne me yo^{r} vnworthy subiecte eyther in my speakinge to yo^{r} Ma^{tie}, deliueringe yo^{r} pleasure vnto the house or reportinge their humble suytes to yo^{r} Ma^{tie} I may enterprit my owne wordes and that yo^{r} Ma^{tie} will be pleased that *voluntas mea reputetur pro facto.*

Lord Chancellor.

Mr. Speaker: In this speeche you haue shewed greate affection and zeale to his Ma^{ties} judgement and learninge and as you beganne wth prayer soe I hope God wilbe pleased to blesse our proceedinges the better: to what end you are called and what to proceede about his Ma^{tie} hath shewed you in his writt. The businesses are *de arduis et vrgentibus Reipublicæ negocijs*, so as I neede not tell you to what end you are called hauinge heard his Ma^{ties} gracious speeche. The twoe cheefe thinges give me leave to tell you of a Councill are *prudentia et beneuolentia*, the w^{ch} twoe sisters I doubt not but wee shall keepe togeather. For the firste is to directe our actions, the latter to expresse our affections. Benevolence is the parte of

dutifull and lovinge subiectes to shewe vnto their prince, for as from him next vnto God we receive many favoures soe doe we owe him our lives, landes and goodes. And therefore let us not thincke it much noe not sticke to relieve him, for let me tell you and call to yo^r remembrance the fower and twentieth daie of Marche last was eleaven yeares, the daye it pleased God to take vnto his kingdome of glory our late mistres Queene Elizabeth, a queene of most happie memorye. What would not we haue given then to haue had a certaine assuerance of the continuance of lawes, peace, plentye and libertye: we would haue given eache of vs noe doubte a greate parte of our estates. Therefore let vs not be vnmindefull of this greate mercy and shewe our thanckfulness by our actions.

His Ma^tie is graciously pleased to graunt yo^r three petitions, the two first for your house the third for your seulfe, the first that you may speake freely assueringe himself you will speake w^th that reverence and duety to his Ma^tie as becometh subiectes, with such iudgment and discretion as becometh councellors, for you are councellors of the greate Councell of the Kingdome: let me tell you the property of councellors w^ch is to speake *rara, vera, et ponderosa.*

For the second his Ma^tie is willinge to graunte you free liberty to retayne and keepe the liberties and priviledges of yo^r house but would haue you to be moderate herein, for although you haue power to priviledge such a number as are to attend you yet he assures himself that you will not entertayne or protecte anye whereby the creditors shalbe defrauded or enforced to wayte and haue pacience for recoveringe of theire due and iust debtes till after the Parliament.

Thirdly and lastly his Ma^tie is pleased to graunte yo^r peticion Mr. Speaker that he will not conceyve ill of you for anythinge shalbe told him vntill you come to yo^r answere.

Frydaye the viijth of Aprill 1614.

A bill read intituled an Acte for the Counte Palatine of Rhene to be naturalized and to expresse his right and the Ladye Elizabethes grace his wief and the issues of theire body lawfully begotten to be the right inheritors to theise Crownes of England, Scotland, Fraunce and Ireland if his Ma^tie should die without issue male and the Prince Charles should dye w^thout issue of his body, w^ch God forbid.

Theis tytles were not in the bill at the first readinge and soe put in and reade and had this daie once the readinge.

Fredricke by the grace of God Counte Palatyne of Rhene, Duke of Bauaria, Arch suwer [Sewer] of the sacred Romayne Empire and one of the Electors of the same.

The second readinge of the Counte Palatines bill w^th theis additions.

The Lord Archbishoppe of Canterbury his speeche.
Doctor Abbott.

My Lordes: It is not w^th^out the divine providence to haue this bill acted and inacted in the first place of this Parliament, w^ch^ thinge is honorable to God because he will hono^r^ that hono^r^ him. A greate contentement it is vnto the Kinge our master to see this thinge done vnto his daughter, besides it is a greate ioye vnto vs to haue by this matche an assuerance that the true religion shalbe maynteyned, for althoughe there be difference and dissention amongst themselves for some thinges w^ch^ I wishe were not, whereby some amongst them are styled Lutherens some Calvenistes, yet thanckes be given to God that they concurre w^th^ all the reformed Churches in Christendome in the materiall and fundamentall poynctes. I cannot saie what a greate comforte it was to heare of issue of her body, the w^ch^ it pleased God to adde to the happie successe of the matche w^th^in twelve monethes. This highe and mightie prince hath manye worthye thinges in him but it is a maxime and principle in state that princes doe as well subsiste in reputation as estate. And therefore it is noe little reputacion that this worthy ladye is matched w^th^ soe godlye and religious a prince that if issue male shoulde fayle of his Ma^tie^ or issue from the prince, w^ch^ I hope shall never, that true religion shoulde be maynteyned w^th^in this Kingdome of England and the other dominions w^ch^ are the fayrest flowers in the Christian worlde. Besides this godly prince himself there are none revalted from the true religion w^th^in the States dominions but as they are confederates in love and affection, soe in the same religion (onely the Duke of Saxonye excepted) the Duke of Brandenburghe causeth prayers in theire ordinarye and publicke prayers to be made for the Kinge of Greate Brittayne, w^ch^ shewes his affection to our Kinge and State. I maye truely saie that the Counte Palatyne is in favour both w^th^ God and men, for both at home and abroade by all Protestantes he is loved. And nowe I cannot but tell you of that greate worth w^ch^ is in my Lady Elizabeth both for her pietye and prudence. For the first she is an ordinary hearer of Godes worde and frequenter of his temple, besides there is noe daie passeth over her heade w^th^out readinge of some parte of the sacred worde of God, her attention at sermons and care to haue her famylie religious is admirable, to shewe her love not only in her affection but practize to religion September last beinge the first Communyon after her cominge over and safe arrivall she received the Sacrament thoughe after the manner of this Churche in w^ch^ she was brought vp, after she was greate w^th^ childe thoughe she might haue made manye excuses as perhaps many of her rancke woulde haue done yet she missed not to serve the Lord in the open congregation, and when it pleased our good God that a sonne was borne vnto her for her owne and all our comfortes efsonne as those womanly rightes

weare performed incident to one of her state and in her case she caused the gravest and learnedst of her chaplaynes to be sent for up and caused him to make a long prayer and thanckes givinge to God for her saffe deliuerye and blessinge he had sent her, naye in the tyme of her lyinge in she was soe carefull not to neglecte her dutie to God as she missed but one Sabboth daie in all that tyme and then caused the preacher to preache in the next roomthe to her that she might heare him. As this is ingrafted in her by the devine power and providence soe all the State must acknowledge them selues exceedingly indebted vnto that worthye ladye the Ladye Harrington that nowe liues and her noble husband that nowe restes wth God for their greate care in her godly and vertuos education. I wishe that as in the precedencye in this Kingedome she goeth before other ladyes so they woulde imitate her in this course and shewe the same fruytes in pyetie and goodnes as she doeth. Nowe I will make knowne vnto you her prudencye not in spendinge her tyme idely about devisinge of cloathes and apparell but because she woulde see wth her owne eyes and heare wth her own eares there is noe letter that comes vnto her eyther from the Kinge her father or anye other prince or greate person but she readeth it herselfe and answeres it wth her owne hand, as I haue seene divers good and longe letters come from her to his Ma^{tie}, and after she hath dispatched them layeth them vp in her owne coffer: by this meanes if she shall come to this Crowne hereafter she wilbe able to knowe howe to govern herself in that high place to wth God shall call her. For the bill in generall I like well of but woulde haue it to passe as I hope it shall, beinge never a Papist or one ill affected in religion in this house, and therefore to passe wth greate alacritye and contentation and not to haue it committed like other ordinary bills, beinge of that worth and havinge been soe well looked and scanned into by the Kinges learned Councell.

Vpon this motion it was not comitted accordinge to the ordinary manner but put to engrossinge.

Lord Chancellor.

My Lordes, Accordinge to the order of the house if noe man speake against a bill at the second readinge it must be engrossed.

It weare fitt yo^{r} Lordshipps shoulde haue a note of those that haue proxies and then you maye see whoe are visited wth sicknes and whoe his Ma^{tie} or the house haue given leave to be absent for some short tyme.

The bill for the wastinge of golde in the guyldinge of coaches and houses had the second readinge.

The Kinges Ma^ties speeche on Saturdaye in the afternoone the Nynthe of Aprill 1614.

My Lordes of the higher house and you gentlemen of the lower house, I doe desier you to accept of theis thinges w^ch I promised you to performe this daie. I deliver them vnto you as I tolde you supported betwixt two sisters, desiringe you will accept of my love in them more then of the thinges themselues. As the former Parliament beganne w^th love soe may I desier this maye doe and not to haue it interrupted as before. You knowe howe willinge I am to satisfie any iust greevances you propound, soe I hope you wilbe willinge to shewe yo^r affection to satisfie my debtes and to relieve my estate, and as a prophett must soe must I saye *vè* [= woe] vnto them whoe soever they be that delayes it. There is a holye emulation to be had betwixt the Kinge and his people whether the Kinge love the people or the people love the Kinge better, and as you knowe we love God the best the more we receive from him soe it makes our obedience the greater soe the like is amongst our selues, for those we bestowe most vpon those loves vs most for our benevolence and favoures and out of our thanckefulnes vnto God for his benefyttes received makes vs to be styled and called the friendes of God, therefore that benevolence I expect from you as both my necessitie and the peoples abilitie to performe will suffer. I tolde you before and nowe I will adde it againe the comendinge it vnto you in the first place that a course be taken againste the Papistes, the greatest parte whereof are the vnarmed persons whoe are rather passives then actives, for the devill is a busie bishoppe that goes about to corrupt the weakest sectes whoe are the easiliest overcome and to poyson the roote whereby it beinge infected the branches cannot be sounde. I wishe therefore that lief maye be put into the lawe against them. For Ireland thoughe there be manye Papistes yet good subiectes, thoughe not soe good as I wishe. I haue learned a maxime in Philosophie that those partes of the body that are moste remote from the hearte are the weakest, soe maye I saie of the Irishe men livinge the most remotest from me, noe Kinge of this isle before my tyme that ever had the honour to call himself King of Ireland, thoughe they be good subiectes yet precaution is necessary both for the Kinge and State. I told you I would not deale w^th you like a marchant by waye of contracte but woulde graunte you certaine graces of a louinge prince, soe in like manner it is yo^r duetye to retribute to my necessitie and my parte *suum cuique tribuere*. For the quantitie and manner of givinge I leave it to yo^r selues. I eschewe asmuch in my speeches to speake basely as falsely. I haue declared to you in generall my necessitye but you maye answere shall a kinge allwaies call vnto you for to burthen his people? Every man maye see my greate necessitie that lookes me in the face, w^ch I assure you was not spent vpon my owne affections but for my owne, yo^rs and the countreys hono^r I have taken care not to exceede my estate: hereafter soe

as I will not be burdonsome vnto you and the people in this kinde for to crave supplie except I haue warres, yet I will call you togeather to heare the greevances of my people, and I maye saie thoughe you speake the contrarye that I will not after my turne is served haue anye more Parliamentes. I haue regardinge my abilities, I speake it wthout pride, as little reason not to call a Parliament and to abhorre it as ever any kinge that raigned amongst you had. I must saie to you in the worde of a kinge that I never excepted against any that the people chose to be of the house, for if there had beene any vndertakers as you give it out they had beene knaves for doeinge it and I a foole for sufferinge them, and whoesoever doubtes of the truthe of this I saie must give me theire kinge the lye. There was none I spoke wth of eyther house but assured me that after my necessities were knowne to the people they doubted not but I shoulde be releived, for whoesoever woulde not assure me of the love of the people I should thincke he were noe goode subiecte.

The will of the Kinge and the State cannot be disioyned, for the good of eyther must subsiste togeather wth the love of eache. I praye you regard the greatenes of yo^{r} busines and tyme of the yeare, let it make you enter into consideracion of goeinge in hand wth the arrand for w^{ch} you are called, for he that regardes not the good of the Kinge and the people together let him be Anathima, for whoesoever els regardes not theis twoe is noe honest man. Affection hath his first ground in the heart, for the heart is *primum vivens et vltimum moriens*, soe am I as the instrument from God vpon this earthe wthin my dominions the first mover and yo^{r} *summum bonum* nexte to God shoulde be to please me: but nowe to the thinges w^{ch} I offer you.

1. An acte for the passinge of the accomptes of Sheriffes, Eschaetors, Collectors of Subsedies, Tenthes, Fifteenthes and Aydes wthout charge or delaye.

2. An acte against the secrett offices and inquisicions to be taken on his Ma^{ties} behalf to the preiudice of his subiectes.

3. An acte givinge aucthoritie to certaine Commissioners to reviewe the state of penall lawes to the end that such as are obsolete and snaringe maye be repealed and such as are fitt to continue and concerne one matter maye be reduced respectively into one cleare forme of lawe.

4. An acte for the safe gard and relief of the Kinges tenantes and fermors in cases of forfayture for non payement of rent.

5. An acte for the avoydinge of the troubles and charges of his Ma^{ties} subiectes vpon respite of homage.

6. An acte for the better avoydinge of the troubles and charges of the Kinges Ma^{ties} subiectes in the pleadinges of the Exchequ^{r} in case of alyenacion by the Kinges tenantes.

7. An acte for the admittinge of the Kinges subiectes to pleade the generall issue and continue there possession in certain cases vpon informacion of intrusions exhibited against them.

8. An acte against longe contynuances of liveryes and vnnecessary bringinge in of evidence into the Courte of Wardes.

9. An acte for the repeale of a branche of the statute of the 34 H.8 concerninge the alteracion of lawes in Wales w^{t}hout Parliament.

10. An acte against the vexacion of his Ma^{ties} subiectes by the issuinge of debtes vnto the Crowne.

11. An acte for the makinge of the estates of attaynted persons lyable for the payement of theire iust and true debtes.

Further remembrances by his Ma^{tie}

Touchinge cart takinge

Touchinge the assertes

Touchinge a liberall pardon.

I doubt not but you will give me benevolence to releive my necessities seeinge theis thinges of grace w^{ch} I have caused my Lord Chancellor to reade I bestowe vpon you, the w^{ch} I woulde not haue you esteeme in respecte of the guyfte but of yo^{r} freind that gives it. As thus I beginne w^{t}hall in the beginninge of the sessions soe will I promise you in the end thereof, hauinge given such commaundement to my Lordes the Judges that the generall pardon shalbe made larger and not so curtiled, and besides theise thinges if anythinge can eyther be thought on by me or you that concernes the good of the people I wilbe willinge to let you haue it soe that it touche not my prerogative in pointe of honor or profitt.

Mundaye the Eleaventh of Aprill 1614.

The bill against guyldinge of coaches, roofes of houses, etc., had the second readinge.

Lord Admirall.

My Lordes, This bill I take it to be to shorte in some thinges and to large in some other, therefore I thincke it fitt if soe yo^{r} Lordshipps like of it be committed.

Lord Chancellor.

Maye it please yo^{r} Lordshipps, Nowe this Lord that spoke last hath showne his reason and moved that it might be committed, is it yo^{r} pleasures it shalbe soe? The Lordes answered all yes, otherwise the Lord Chancellor said if noebody had spoken to it accordinge to the orders of the house it could not haue beene comitted but put to engrossinge.

The Prince Palatynes bill passed at the thirde readinge and all gave their voyces content. Mr. Justice Croke, Mr. Justice Wynche, Mr. Justice Doddridge, Mr. Justice Nicolls, Doctor Amye and Doctor Hickman went downe w^{t}h the bill vnto the lower house.

An acte for avoydinge of question in title of wills.

Thursdaye the Fowerteenth of Aprill 1614.

The Lord Chancellor excused the absence of the Lord Stanhope because of his healthe and soe of the Lord Zouches because of an ague, the lord Viscount Lisley because of takinge fisicke and the Lord North in respect of greate busines.

Because the Lord Willoughbie of Earsbies man was arested vpon an execucion therfore there went out of the Courte by all the lordes consentes a writt called a *Habeas corpus cum causa*, for the wch there was a warrant drawne by the Clarke of our house Mr. Bowyer to the Lord Chancellor for to send out the writt to bringe the parties before us the next morninge wch was Frydaye.

A message brought from the lower house by Sr Raphe Wynwood, principall Secritary of State unto his Matie.

Maye it please yor Lopps, The Knightes, Citizens and Burgesses of the Commons house of Parliament doe desier a meetinge wth yor Lordshipps about the bill of the illustrious and mightie Prince Fredericke the Counte Palatine for the amendmt of some thinges in that bill wch at that meetinge when they come vnto you they will acquaynte yor Lordshipps wth. And for the tyme, place and number of the committee they leave it to yor Lordshipps.

Wee willed them to withdraw themselues and they presently haue or answere.

After they had wthdrawen themselues we entred into consideracion of what answere to give them and wthin a quarter of an hower called them in againe.

Our answere.

Lord Chancellor.

My Lordes hath willed me to retorne you this answere: for the tyme that if yor leasures will serve you they wille meete wth you presently, for the place the paynted chamber, for the number fortye.

Mr. Attorney Generalls speeche at the lower houses meetinge wth the higher house.

My Lordes, In this bill concerninge the Counte Palatyne we doe nowe attend yor Lordshipps about we fynde rather matter of scruple then doubte, yet because of the diversity of oppynions amongst vs wee weare willinger to wayte vpon you, for it is conceyved by some that the bill as nowe it is penned shoulde if it shoulde happen postpose the issue female by the Palatyne before my Lady Elizabeths issue male by another husband, but the maxime of the lawe is cleare against this. Yet, my Lordes, if in yor wisdomes you please we thincke fytt only to had [*sic*]

these wordes wᶜh will make the matter very cleare, the issue of the Lady Elizabeth by the Counte Palatyne, for this bill is but a recognition and not an entaylinge of the Crowne.

Lord Chancellor at the Committye.

My Lordes doe much commend the iudgemᵗ of the lower house and yoʳ most grave speeche and my Lordes are of oppynion that as you haue said it is fitt the bill be amended.

The Lord Chancellors report to the house.

My Lordes, The substance of Mr. Attorneys speeche is thus: the lower house haue found noethinge in the bill accordinge to a good construction fitt to be amended, yet to take awaye all scruple they have added a fewe wordes, for the bill it self doth but declare the Common Lawe of England and doth not in this acte entayle the Crowne. And allthough I hope it shall neaver fall out, yet to take away all scruple putt these wordes, the ishew of the Palatine, and for honor sake putt in these wordes, the ishew of my La: Elizabeths grace by the Palatine, or by other husband.

Friday the 15th of Aprill 1614.

Lo: Admirall.

The bill of the wasteful expendinge of gould and silver in the guildinge of coatches, etc., brought into the house by his Loᵖ and the rest of the committyes and the amendments thereof once rede.

Mr. Secritary Sir Raphe Winwood.

My Loˢ, The Knightes, Citizens and Burgesses of the Commons house of Parliament have sent againe vnto yor Loᵖˢ the bill of the ilustrious, high and mighty Prince Fredericke Palatine of Reighne with some amendments wᶜh they offer to yoʳ Loᵖˢ wisdomes to be inserted in the bill.

The amendmentes of this bill weare once redde wᶜh weare these: in the 32 line after the wordes Fredericke Counte Palatine insert these wordes, viz: or by any other husband. The amendments vpon this bill the second time red and inserted into the bill, and the same amendments putt to the question, and the bill after these amendments putt in, put to the question againe.

The amendments vpon the bill of gildinge twice redde.

Lo: Rich.

My Loˢ, That I have to say is not against the bill but I neaver saw it before in this house that a bill was putt to the question before the third readeinge that it was ingrossed vnlesse at the second readinge some did speake against it and the house [*sic*].

In this manner it was ordered allthough my L: Chauncelor sayed My Ls: yow may doe what you will therefore determine as yow please.

The Lo: Willughbyes man was brought to the barre, and Mr. Bowier the Clarke of the house red the writte of execution that was layed vpon him.

Saturday the 16th of Aprill 1614.

The bill of gildinge passed at the third readeinge, and was sent doune to the lower house by Mr. Sargent Davis and Mr. Doctor Amey.

The bill of willes the second time redd and committed.

Lo: Knoles.

My Los, For that the bill hath some faultes, therefore I thinke it fitte it be comitted.

Lo: Chauncelor.

My Ls: When my Ls: the Judges doe attend you they will tell you that by the law at the firste all landes weare held in fee simple before the statute of Westminster the 2 saveinge some few landes that weare of burrow right. After that feffements were devised then the statute gave liberty that (allthough all weare held of the Kinge) to bequeave two partes and the third to decend, and if not held at all, ether *in capite* or by knightes service, then a man might bequeave all by will. This bill I hould to be necessarye, for in Queene Maryes time it is reported by a reverend Judge in one of his bookes that one Browne gave order to one Perkins a lawier to draw his will, and Perkins went home about it, but before Perkins could come Browne was dead: yet this was adiudged a good will, Browne haveinge declared his minde vnto him but two houres before.

Lo: Sherfield [*sic*].

My Los, My Lo: of Sussex hath sent to me to move yor Lops that whearas a man of his is arrested contrary to the priveledge of the house that yor Lops would be pleased to enter into consideration thereof, and that the partyes may be sent for.

My Lo: Cheefe Justice of the Kinges Bench Cooke delivered this for Law at the Committy.

My Los, Accordinge to the Common Law houses in burrowes might be devised; but noe inheritance could be conveyed by will: then came the statute of 32 and 34 of H: 8 to bringe in ward ships, if landes weare held *in capite* or knightes service, there canne be but two partes bequeathed the third must decend, but if it be held in soccage tenure all may be bequeathed,

but one foote *in cappite* will not suffer above two partes to be bequeathed. This bill tyeth us to have all o^{r} willes in writeinge and subscription of witnesses; but by the Common Lawe, signeinge or subscription is not necessary to the essence of a will; for a man may make a good will by word of mouth, nay a souldier in the field may write it vpon the pumell of his sword, yet this bill tieth all to be in writeinge, as though all men weare clarkes and should carry inkehornes about them, and if a man write his name on the side and not vnderneath, then it cannot be called subscribed w^{ch} overthroweth it too, and for witnesses the Common Lawe referreth thinges vnto the othe of twelve honest and lawful men, but two witnesses wth there markes w^{ch} parhaps they neather knew nor made will overthrow a will.

One Browne lyinge sicke *in extremis* sent for Perkins a lawyer and gave him instructions for makinge his will for disposition of his land. Perkins wth such directions departed to his owne howse and framed the sick mans will and brought [it] to Brownes house but before his cominge or returninge backe Browne was dead and this adiudged a good will to carry the land.

My Lo^{s}, for matter of facte we referre o^{r}selves vnto the Jurye, for matter of lawe they referre them selves vnto us that are the Judges, and we will assoone give credit to the witnes of a suffitient honest man as vnto the handes of witnesses w^{ch} may be counterfetted. There are three thinges w^{ch} belonge vnto the essence of a deed, writeinge, sealeinge, and deliveringe, but no necessety of indorceinge a mans name or witnesses; but this bill must have it that the will must be subscribed wth his owne hand, or els it shall not be good, w^{ch} God forbidde. For a man may be taken wth such a desease he is not able to write and yet his memory and partes suffitient. I will tell yo^{r} Lo^{ps} of a case that I have redd, that a woman made a will in her widdowehood and gave her estate vnto a man whome afterwardes she married; and she dieinge before him the question was whether this was a good will, but because the will of the woman beinge in the head [? hand] of her husband this was adiudged naught. It is impossible *in conceptis verbis* to take away all question and scruple. He that drew this bill was not well advised, for both in the preamble, severall partes, body of the bill, and end, [it] is as I conceave veary hurtefull to be inacted. Therefore accordinge to your Lo^{ps} pleasure and comaundes haveinge delivered my opinion I leave it to yo^{r} wisdomes to consider of. Vpon this speeche of my Lo: Cookes the comitty did all agree to offer it to the house, it might be throwen out.

Tuesday the 19th of Aprill.

The bill for avoydinge of suites and questions touchinge willes of land was brought into the house by the Lo: Arch: b. of Canterbury, first of the committyes; whoe declared that the

committyes had mette, and taken consideration of the sayed bill, and founde therein soe great imperfection, both in matter and forme, as that theire Lop^s^ thought fitt the same bill should sleepe and be noe further proceded in.

This day Thos. Sharppe whoe on the 15th of this instant Aprill was for his contempt in arrestinge Roger Bradshaw the Lo: Willughbyes servant committed to the Fleete, and was by the Seriant at Armes attendinge the Court brought to the barre and vpon his submission and acknowledgement of his fault was dismissed, and sett at libertye.

This day the vndersheriffe of Middlesex brought George Belgrave servant to the Earle of Sussexe before the Lo^s^ accordinge to a writte of *Habeas corpus* directed to the sayed Sheriffe by warrant of this house in that behaulfe: whereupon because it appeared that the sayed Belgrave was taken and imprisoned contrary to the honer and privelege of this house he was therefore by order of the Courte sett at liberty, and discharged of the seyed arrest. And forasmuch as the vnder sheriffe or Sheriffes deputy alleaged that he was ignorant and knew not Belgrave to be privileged or to serve any peare of this Realme, desired that Willshire who is a clarke in the office and made the warrant for takeinge of Belgrave might be called to answere the matter. And the said Willshire beinge brought to the barre alledged that the playnetiffe informed him and still aledgeth that Belgrave is not priveledged, w^ch^ requireing further examination, and for that the creditor (as was allso informed) is not now in towne, yt was accordingely ordered that the sayed vndersheriffe and Willshire may for this time depart, and aswell they both and the creditor and other offenders in this cause may attend the Lords at such time as this high Court shall next sitte.

Monday the 2th of May 1614.

The absence of the Earles of Sussex and Dosett, the Lo: Bp: of Exeter and the Lo: Gerard excused by the Lo: Chauncelor by reason of some spetiall buissines whereby the seyed Lo^s^ are necessarely deteyned.

The bill for the naturallizinge of Elizabeth Veere and Mary Veere daughters of Sir Horace Veere knight once redde.

The bill for the preservation of wood and timber once redde.

The bill for the asserteininge of fynes vpon admittance or tender of admittance to any coppyhould or custumary estates of the Mannor of Winslowe and the members thereof in the Countye of Buck: accordinge to a decree therof redd in the high Court of the Chauncery the 25th of November last past by consent of lo^s^ and tenants once redde.

Teusday the 8th of May.

The bill for the naturallizinge of Elizabeth Veere and Mary Veere daughters of Sir Horace Veere knighte the second time redde.

Appointed to be ingrossed.

The bill for the preservacion and increase of wood and timber the second time redde

And was refferred to comittyes.

The house was adiourned from that daie untill Thursdaie the first [fifth] of Maye 1614.

A bill read for the naturalizinge of S^r Willm Steward.

A bill passed for the naturalizinge of S^r Horace Vere his children whoe were borne at Vlishin.

Frydaie the house sate not.

Saturdaie the vijth of Maye 1614.

A bill read for the paiem^t of porcions vnto one Somershalls children second tyme read.

A bill read for the naturalizinge of S^r Frauncys Steward and Mr. Wm. Ramsey.

Lord Knowles.

My Lordes, I know not the parties nor the justies [?] of this bill for Somershalls children, therefore I thincke it were good it were comitted, wherevpon it was soe ordered.

Lo: B. of Assaph.

My Lordes, In the thirde yeare of his Ma^ties raigne there was an Acte made that none should either haue the honor to be restored in bloud or naturalized but he should both receyve the Sacram^t and take the Oath of Alleageance a monith before the preferringe of any such bill, therefore I offer it to yo^r Lo^pps consideracion and doe humbly move that theis parties maye soe doe before theire bill doe passe.

Lo: of Mountgomery.

My Lordes, I assure yo^r Lo^pps that the one of them hath received the Sacrament very lately, that is William Ramsey, for I heard his Ma^tie very angrie w^th him the last daie for receivinge at the French church and not at the Courte.

Lo: of Pembrook.

My Lordes, And for the other S^r Frauncys Steward there neede noe greate question, for I assure yo^r Lo^pps I haue knowne him to receive the Sacram^t and I assure myself [he] will not refuse to doe it.

Lo: Admirall.

May it please yo^r Lo^pps, To morrowe was a seavenight S^r Frauncys Steward received the Sacram^t at Chelsey the same tyme I did.

My Lord Chancellor excused my Lord of Cumberlandes absence, my Lord Zouches, Aburgavenyes and my Lord Riches, whoe weare all sicke and ill of coldes.

My Lord Chancellor made a mocion that he that was awaye from the house w^{t}hout leave should paie doble soe muche to the poore's boxes as he doeth if he come after prayers, w^{c}h is an Earle 4*s*., a Viscount 4*s*., a Bishop and a Baron 2*s*. each of them. Accordinge to this motion is [it] was by a generall assent soe ordered.

Monday the 9th of May 1614.

Lo: St. John.

My Lo^{s}, There is a man of my Lo: Cliftons arested whoe is his housekeep^{r} in London and followeth his buissines: he hath a petition to yo^{r} Lo^{ps} w^{c}h he hath sent by his wife. Vpon this motion order was given y^{t} at the next sitteinge of the house, both the party arrested and he at whose sute it was should attend the Lo^{s} at the next sittinge of the house.

The house was adiourned from Monday vntill Thursday.

Thursday the 12th of May.

The bill of Sir Fraunces Steward and Mr. William Ramsey the third time redd, passed and sent down to the lower house.

The Lo: Lisley excused for his absence by my Lo: Chaunceler in regard he was not well.

Friday. Starchamb^{r} day.
May 13th.

Saturday May 14th.

The bill for the Towne of Winseley [Winslow] in the County of Buckingeham for the confirmeinge of there coppiehould estates there, brought in by my L: of Ruttland chiefe of the committye w^{t}h some amendments w^{c}h weare twice redde.

The bill for naturalizinge of Mr. Murreyes wife of the bed chamber first time redd.

The bill for the naturalizinge of Mr. James Maxewell redd.

My L: Willughby of Earesby and the Lo: Spencer both excused for there absence beinge not well and in physick.

Monday the 16th of Maye 1614.

The bill for Winslowe had the third readinge and passed.

My Lo: Chaunceler excused the Bishop of Worcester his absence by reason of his ill healthe and his Lo^{p}: made knowne to the house that a man of my L: Canterburyes was arested, wheareupon order was given for the sendinge for the partyes to come before us upon Thursday. After the Court was adiorned vntill that day.

Thursday 19th of May.

My L: Chauncelor excused my Lo: Wenteworthes absence by reason of his buissines, his grandmother the La: Cheney beinge dead veary lately.

My L: Chaunceler delivered that Mist Murrey had both receaved the Sacrament and taken the Othes of Supremecy and Alegence, whereupon the bill for the naturallizinge of her had the second readeinge.

The Serieants that arrested my L: of Canterburyes man and the party at whose sute it was weare convented before the Los: and upon the full heareinge of the buissines committed to the Fleete, and my L: of Canterburyes man released.

Saturday the 21th of Maye.

The bill for the naturallizinge Mist Murrey the third time redde and passed.

A message brought from the lower house by Sir Raiph Winwood, principall Secritary to his Matie:

May it please yor Lops, The Knightes, Citizens and Burgesses of the Commons house of Parliament doe desire a conference wth yor Lops about the pointe of impositions, and for the time, place and nomber doe referre it vnto yow, soe that it be not this afternoone.

The Lo: Chauncelor desired them to retire them selves, and then he delivered to the house there message, and afterwardes moved that we would dissmisse there messingers and send them answere by or owne.

Lo: B: of Lincolne.

My Los, I thinke it a daungerous thinge for us to conferre wth them aboute the pointe of impositions. For it is a *Noli me tangere*, and none that have ether taken the Othe of Supremecy or Alegence may doe it wth a good conscience, for in the Othe of Alegence we are sworne to maintayne the privillidges of the Crowne, and in this conference we should not conferre about a flower, but strike at the roote of the Imperiall Crowne, and therefore in my opinion it is neather fitte to conferre wth them nor give them a meetinge.

My Lo: Chaunceler made a motion that seinge if we satte as the house a man canne speake but once, and therefore moved that the house might be adiorned till Monday and we sitte as a committye, wch was donne accordingely.

The some of that wch passed at the conference that morninge.

The conference amongst orselves in the house.

Lo: Chauncelor.

My Los, As about the vnion we adiorned the house and satte as a committye, soe yor Lops hath thought it fitte to order it

now; and if this day determines it not yor Lops may doe well soe to doe till this great and waighty matter be concluded of. I pray yor Lops give me leave to putt yow in minde of the message wch was sent yow from the Knightes, Citizens and Burgesses of the lower house of Parlament, for Commons house I cannot tearme it, that they desired to conferre wth yor Lops about the pointe of impositions. I pray yow in[vite ?] it, (not to meete), but to conferre about the pointe of impositions, and as in the great buissines for the vnion you hard the Judges, soe in this it wilbe necessary before yow give them meeteinge if you soe determin.

My Lo: of Southampton.

My Ls, I conceave the thinge in question is not whether we should conferre but whether we should give them meetinge, wch truly, my Los, I thinke we shall not need to heare the Judges vntill after we meete with them and determin to conferre wth them.

Lo: Chauncelor.

My Los, As in the matter of religion wch was a generall proposition, for religion conteyneth in it many branches; soe in this matter yor Lops would crave of them to know vpon what pointe of impositions they would speake, for soe yow did in the matter of religion, before you gave them meeteinge.

My L: St. John.

My Los, I thinke we should doe well first to agree to meete wth the lower house before we desire to know vpon what pointes or part of impositions they will speake of. And then we may intreat to have there reasons in writeinge, and before we conferre have the opinion of my Los the Judges therein.

Lo: Arch: B: of Canterbury.

May it please yor Lops, I thinke it fitte we only meete wth them and not conferre, for it will much preiudese the cause, and be a touch to us in or judgments, if that before we heare my Los the Judges and fully understand the cause we consent vnto a conference, for the[y] have labored this matter this whole session of Parlament, wch hath satte about forty sixe dayes, and the matter is new to us haveinge as yet not thought of it.

Lo: Rich.

May it please your Lops, As I conceave it the question is not nor [? now] yor Lops determination to despute the cause but only to give them a meetinge, heare there reasons, and report them vnto the house.

My Lo: of Southampton.

My Lo^s, I conceave we should doe well to meete them, and then if we like not what they sey we may resolve afterwardes whether it be fitte to conferre w^th them.

Lo: Sheffylde.

May it please your Lo^ps, I thinke we shall doe them and ourselves a greate deale of right to give them meeteinge, that we may hould the same correspondency w^th them in love, and affection, as hath bene all wayse the manner of our house to doe.

Lo: Arch: B: of Yorke.

My L^s, There is a great difference betwixt these two wordes a meeteinge and a conference, for [at] a meeteinge we may chuse whether we will speake and only heare them but if we yeald to conferr w^th them we must speak, for what conference canne there be w^thout speech? I see not us furnished to conferre w^th them, therefore that I should give my consent toe now should be a meeteinge.

After him spake many Lo^s all to this purpose, wheareupon all the committy tooke it for graunted we weare resolved to meete w^th them, only for forme sake we must report it to the house upon Monday what all the committy beinge the whole house weare resolved of.

Monday 28th of May.

Lo: Chauncelor.

My Lo: Chauncelor made a relation what was done on Saturday at the committye, seyeinge that this question was *vexata questio*, for it was disputed whether we should give them a meeteinge or a conference, and all my Lo^s considered a conference to be vnfitte as yet, only some of my Lo^s weare of opinion for a meeteinge, but for the time, nomber and place was not spoke of, nay we could conclude nothinge, therefore the matter is *res integra*: whether we will meete or noe, and after a little pause delivered this followeing. My Ls: I pray your Lo^ps give me leave to putt you in minde that the Judges by the Kinges writte are to attend your Lo^ps in this house, yet it beinge the tearme time they are to attend likewise the Courtes of Justice w^ch are not to be neglected. Yo^r Lo^ps shall in my opinion for this reason doe well to determine how many of them yow will have heare to attend yow that the rest may goe to there Courtes.

Lo: Riche.

May it please yor Lops, I beseech you give me leave to make a motion that your Lops will enter into consideration for the meeteinge wth the lower house, for this day I assure my selfe they will expect it from us.

Lo: Chauncelor.

My Los, I think yor Lops prefixed noe time when yow would meete with them; but if your Lops shall determin whether yow will give them a meeteinge that is the question.

Lo: St. John.

My Los, I thought your Lops though not to conferre had resolved to give them meetinge.

Lo: Chauncelor.

My Los, This matter concerninge the pointe of impositions toucheth the Kinges prerogative ether in pointe of law or prerogative, therefore before we resolve what to doe it weare fitte to heare my Los the Judges.

Lo: Chandoes.

My Los, I like well the motion, but not the time, for vntill such time as we meete wth the lower house, and heare them, I conceave it not fitte to heare the Judges, for what canne the Judges answere vntill we know what they will propounde?

Lo: Chamberlin.

My Los, I cannot but hould it a thinge most fitte, seinge it toucheth soe much the Kinges prerogative, that we should hear the Judges first.

Lo: Admirall.

My Los, As I am the ouldest man in this house soe have I bene the longest Parliament man and there neaver came in my memory into the house a thinge of soe great moment, and therefore fitte in any case to heare the Judges, but I could rather wishe, and doe humbly move, the leaveinge it to yor Lops wisdomes to knowe the Kinges minde first whether he will give us leave to treat of this matter.

My Lo: of Pembrooke.

My Los, I am not resolved in this matter, but I thinke it will doe the cause noe wronge on ether side, before we determin to give them a meetinge, to heare the Judges.

Lo: of Southampton.

My Lo^{s}, I hould this not a matter to have the Judges opinions whether we shall meete or noe, beinge a thinge noe way apparteyneinge to them.

Lo: Effingham.

My Lo: At the last sittinge of the house we appointed the Judges to be heare this day, and to what purpose is it to have them heare if they doe not deliver there opinions?

Lo: of Dorcett.

My Lo^{s}, For my part I thinke it an vnseasonable time to heare the Judges.

Lo: La Ware.

My L^{s}, In my conceipt [it] is not necessary to here the Judges now.

Lo: Zouch.

My Lo^{s}, In respect of my insuffitiency I thought to be silent, haveinge bene a great taulker in former Parlaments, but this matter is of that waight and consequence that I am driven to alter my purpose, though I know I shall displease in both the partes of my speech. For the first I hould it not fitte to meate wth the lower house, for the latter if soe be we should meete wth them to heare the Judges first, and not to doe the Kinge wronge to condemne him before we heare the Judges.

Lo: Saye.

My Lo^{s}: I conceave vnder your Lop^{s} favours it fitte and doe desire we only meete wth the lower house to heare what they saye touchinge the pointe of impositions.

The B. of Lincolne.

My Lo^{s}: To what purpose will it be to meete wth the lower house? For I am against both the meeteinge and conference. If we should conferre we are not provided, and to meete what good will that doe but to gase one vpon an other? Therefore I humbly pray your Lop^{s} that you would heare the Judges touchinge the Kinges right, and not to suffer him to be beaten vntill we heare them speake whoe are the fittest to give us light, and vntill we heare them lett us not condemne the matter. I doubt if we should meete wth the lower house there would passe from them vndewtyfull and seditious speches vnfitte for us to heare.

Sir Tho: Lake brought these sixe billes followeinge.

The first against the breach of the Sabbath the w^ch the Knightes, Citizens and Burgesses of the Commons house doe present vnto your Lop^s in the first place, and as it is the first sent from them this Parlament, soe doe they desire your Lop^s to take it the first into your considerations.

The second a bill about assigneinge of debtes vnto the Crowne.

The third about Wales.

The fourth for an hospitall and schole to be incorporated in the Towne of Munmothe in Wales.

The fifte about the confermacion of coppie hould estates in the Manor of Pensley in the County of Glocester.

The sixt and last about the sale of certeyne landes for the payment of [*sic*].

Lo: Spencer.

My Lo^s, It is strange to me and contrary to the rule of charety to condemne men before we heare them, and to thinke that they would speake ether vndewtyfully or to bread sedition. For your Lop^[s] to know what they mean to say is a marvell; but now, my Lo^s, the thinge in questian is whether we shall meete w^th the lower house or noe, and methinkes it should be no questian whether we should have the Judges to conferre w^th us before, beinge noe matter of law, but whether we should meete, w^ch if it be soe necessary as I cannot see it soe then I thinke we loose the honor belongeinge to our places and infrange the libertyes of our house, for wheare they are called by ther writtes to attend us, beinge but our assistans, we make them not assistans but Judges in Parlament, w^ch president will be dangerous in future ages, that such a thinge cannot be resolved betwixt the houses, but we must heare the Judges opinions first.

Lo: Arch: B: of Canterbyry.

My Lo^s, I have been silent all this morninge, not intendinge to have spoken, for I had hoped we had bene all of one opinion for to have heard the Judges; beinge a thinge of soe great consequence, as we are the right hand the lower house the lefte, soe must not we forgett the Kinge that is the heade of the common wealthe, and therefore this beinge a matter that soe nearely toucheth him I pray your Lop^s lett us heare the Judges.

Lo: B: of Bath and Welles.

My Lo^s: We are all scholers that are of this house therefore fitte for us to dispute like scholers. If soe be ether about workes, fayth, or cosen jermans to marry, or else in any other pointe in devinitye, we undeavour to know and vnderstand the cause before we deliver our opinions, and in matter of lawe the Judges doe favour more the possessioner then the party claymeinge; for both in divinitye and law we doe thinges rather

ad edificationem then *ad destructionem*: soe then in this matter I thinke we ought rather to hear the Judges before the lower house, for the Kinge is in possession of these thinges we should argue of and by this meanes we should do that wᶜh is *ad destrucionem*, not *ad edificationem*.

Lo: Shefield.

My Loˢ: I am noe scholer neather canne speake like a scholer; and therefore am unfitte to answere my Lo: that spoke last, but the matter is not about any question in learneinge, but only to determin whether or noe we shall meete wᵗh them.

Lo: Chauncelor.

My Loˢ: I am bould to putt your Lopˢ in remembrance that in the matter of naturallization as appeares by the Jornall booke of this house your Lopˢ did heare the Judges before yow conferred wᵗh them, soe do I now leave it to your wisdomes whether or noe yow will thinke it fitte soe to doe conserninge the pointe the point [*sic*] of impositions.

Lo: Knevitte.

My Loˢ: The questian is now whether we shall meete wᵗh the lower house or not, the wᶜh I conceave it fitte we should soe doe.

Lo: of Shreusbury.

My Loˢ: The matter that is in speech is whether we shall meete wᵗh the lower house or not, and seinge divers of my Loˢ are some of one minde some of an other I thinke your Lopˢ may do well to putt it to the questian, wᶜh will end the matter.

Lo: Chauncelor.

My Lˢ: The lower house doe not desire to meete wᵗh your Lopˢ but to conferre wᵗh yow about the pointe of impositions.

Vpon these arguments on both sides it was putt to the questian whether we should heare the Judges before we mette wᵗh the lower house, and it being putt to the questian, the Loˢ of the Privye Counscell and all the Bishops beinge of opinion that it was fitte to heare the Judges before we should determin whether or noe to meate wth the lower house, the Loˢ of the Councell and Bishops carried it by mene [*sic* ? nine] voyces.

The Judges present:

The Lo: Chiefe Justice of the Kinges Bench Cooke,
The Lo: Chiefe Justice of the Common Please Hubbard,
The Lo: Chiefe Baron Tanfield,
Mr. Justice Warberton,

Mr. Justice Crooke
and Baron Altham of the Exchequer went into my Lo: Chauncelers lodgeinge and stayed there some haulfe an houre and then the Lo: Chief Justice of the Kinges Bench made a speech the effect whereof heare followeth.

Lo: Cooke.

May it please your Lops, I take it to be the thinge in charge given vs by your Lops to deliver vnto yow our opinions about the pointe of impositions, the wch, my Los, is a matter soe great in consequence that none of us haveinge thought of it heretofore we must beseech your Lops to spare and pardon us hearein at this time, for I vowe vnto your Lops, for my selfe, and I thinke I may say for my brethren, that we neaver turned over booke, saw record, or any other thinge yt might give us light in this matter. My Los: the thinges we should speake to are to the point of impositions, the wch what canne we say to give answere to this generall proposition? For impositions are of severall kindes and rating, some of exported comodityes, some imported, some domestick. My Lo: this is a matter great in itselfe, and great in consequence, and therefore we humbly thanke those Los: that weare of opinion we should not be heard, but seinge it is your pleasures we must speake. For my part I will not looke above me nor about ether the one way or thother, but as we are sworne to deliver our opinions in matters juditiall comeinge before us, betwixt party and party, soe are we in matters betwixt the Kinge and the subiect. But, my Ls, in this matter as yet we canne deliver noe opinion, for I protest vnto your Lops I am not yet my selfe satisfyed in the pointe, for it is not *magna*: but *maxima questio juris*, and againe I must thanke from my hart those noble Los that would not have hard us, for this is a great matter in pointe of profitt to the Kinge and it semes the subiects doe thinke it a great grevance to them, therefore I am loth to speak *in hoc individuo*. The Kinge I say takes it not only to be a flower but a soveraigne prerogative of the Crowne. If it be a prerogative it is warranted by law, for the Kinge hath noe prerogative to impose that the law giveth him not power to doe. I have redd out of the booke of Levitticus, that we should first heare, understand, and then judge, but till we have hard and vnderstood we cannot tell your Lops our opinions, and, my Los, I thinke it should be good to heare somewhat from the lower house, and that answered by the Kinges counscell, and then us to iudge of it. For my part I will not argue the case, it beinge against our othe soe to doe: we are called by our writte to advise the Kinge when it is his pleasure to have us speake, and to advise and assist your Lops when you please to have us speake, but not to dispute. Therefore the Kinge is much preiudized that he hath no councell heare, as the Atturney and Soliciter, whose place and dewty it is that the[y] should attend this house, and not to be of the lower house; for soe I muste call it, haveinge the

presidence soe to doe of former times, and not to tearme it as now a dayes it is the Commons house, for I knowe noe Commons house but the lower house of Parlament. Your Lop^s^ cannot but remember how my predicessor my Lo: Flemminge and Baren Clarke weare thought of in the case of currans [currants, *i.e.* Bate's case] w^ch^ was argued in the Exchequor Chamber: he was a great scholer, and noe doubt I ought soe to thinke of him, gave his iudgment accordinge to his conscience; yet the same case remayneth like a scole that is putt as it weare *super domum pestilentem* w^ch^ every man flyeth from as they doe the plage. If that your Lop^s^ will vndertake to dispute the matter we will upon the heareinge of it argued on both sides if it be your pleasures to deliver our opinions.

For my part I will deliver my conscience, for I fear not the face of any man, but because as yet we are no way provided to speake of it *in statu juditiali* I must againe thanke the Lo^s^ that would not have us hard. My conclusion of this short and vndigested speech is this: that whosoever should incline to take away a soveraigne prerogative should shew toe much popularety, and on thother side should speake that a Kinge should keepe those thinges if they be against lawe, in us that are Judges it should be periury, and in others toe great basenes and flatterye.

Tusedaye May 24.

The bill for keepeinge of the Saboth once redde.

My Lo: Chauncelor moved that we would enter into consideracion whether we would meete w^th^ the lower house.

My Lo: North.

My Lo^s^: Allthough I know my selfe the vnworthiest of the house and vnablest to speake, yet findeinge a great scilence I thinke fitte to speake in this waighty buisines; and because my memory is weake and a thinge dangerous for a younge man to speake in soe great a senate as a high Courte of Parlament, therefore I pray your Lop^s^ excuse me though I use some thinges for the helpe of my memorye the w^ch^ I had before digested and thought of, for *secundæ cogitationes sunt meliores*. My Lo^s^, the text is, give vnto Cæsar those thinges that are Cæsars; and give him them vnclipt. I know my owne hart and affection and therefore I presume to speake, for I doubt not but your Lop^s^ will not doubt of my affection vnto Cæsar, for whome to sacrifice my selfe I shalbe ready. My Lo: we are barked in a daungerous shippe, and we shall ether fall vpon the rocke Scilla, or Caribdes, or runne our selves into the gulfe of prerogative. The two houses are brothers, w^ch^ of them are the elder I will not determin, but it is fitte to carry an equall corespondency w^th^ them. I thinke we shall not be concluded by heareing them whoe beare vpon there shoulders that w^ch^ is *Bonum publicum* and not give them a refusall vnless vpon a just occasion as when we meete w^th^

them we shall heere. If we ioyne not w^th^ them they will petition to the Kinge w^th^out us, yet our ioyneinge w^th^ them may like piles breake the violence of the streame betwixt the Kinge and them and the Kinge may both w^th^ the helpe of this house, and the recordes, be furnished w^th^ those thinges as may determin the buissines; allthough the Judges may not plead the cause nor his counscell be heare, the Kinge if he please may haue more to advise him, besides us that are at the Kinges commande oweinge him more service. Thes my speach is woven of a home spunne thridde the w^ch^ both for collor and stuffe I hope your Lop^s^ will like of.

Lo: Knowles.

My Lo^s^: The Lo: that spoke last shewed a greate deale of dewty to the Kinge and love vnto the subiect, yet my selfe must compare w^th^ any in both, in a thinge simply good I would not only joyne w^th^ them but goe before them. If we should ioyne w^th^ them we may indeavour to take away the benfitte from the Kinge, and the subiect noe whitte the better, for vnder the colour of impositions the marchant and other trades [? trader] makes us pay the more, w^ch^ if this weare not they would have some trick or other to colour theare excessive rates. I feare, my Lo^s^, the disputeinge of these thinges will brede use trouble abrode. For *fama crescit eundo*; and it canne breed noe good that the Kingedome should heare or say that the higher and lower house are devided; but in this we cast our eyes like eagles, and looke toe high dessirous to see a mote in the sonne, and stumble at a logge vnder our feete. This as a Lo: spoke veary wisely is *vexata questio*, w^ch^ child imposition and opposition is fitte to lye a sleepe till we heare the Judges opinions and being furnished w^th^ reasons we may resolve whether it be fitte to conferre w^th^ them.

Lo: Bish: of Assaph.

My Lo^s^: As in the time of darkenes, wise men did use to speake and fooles to judge, but heare I that am simple doe speake, and wise and noble men doe iudge. It is fitte we should keepe a correspondency w^th^ the lower house our brother and yet not forgette the Kinge our head w^th^out whome our petitions are but papers, and therefore I hould it fitte to send vnto the lower house and lett them know we dare not deale in this matter till we know the Kinges pleasure, y^t^ this Parlament accordinge to his Ma^ties^ gratious speeche may be the Parlament of love.

Lo: Spencer.

My Lo^s^: The reason of the Reverend Fathers speech is the grounde of mine, that this Parlament should be a Parlament of love, the w^ch^ I feare will not prove soe if we refuse to meete w^th^ them. For noe doubt they will take that ill at our handes.

Lo: B: of Bath and Welles.

My Lo^{s}: I thinke it weare fitte to move the Kinge to give us leave to meete wth them before we resolved soe to doe, for in that manner I remember we proceeded in the matter of teanures. The late Lo: Treasurer Salesbury moved the Kinge whether his Ma^{tie} would give us leave to treat about it. If the Judges doe not declare them selves though his Ma^{tie} should give us leave I thinke it weare not fitte to meete wth them.

Lo: Chandos.

My Lo^{s}: I am against my Lo^{s} motion that spake last, for in a matter of this nature the questian beinge of a matter of right I thinke we are fitte to vndertake it of our selves, and if they speake law we have the Judges; if otherwise matter of reason we may iudge of it our selves, for I thinke we should doe our selves wronge and should shew toe great weakenes to be affrayde to heare them, as though we weare not able to deserne betwixt truth and falsehood: therefore I thinke it fitte to meete wth them, or els I feare we shall much hinder and give a distraction to the buissnes.

B: of Lincolne.

My Lo^{s}: I beseech yow give me leave to use a word or two about the pointe of impositions. For that his Ma^{tie} hath soe declared himselfe in his speech to the lower house at his last meeteinge wth them and seinge the Judges are not fitte to dispute but to judge the case. If any man be agreeved about the pointe of impositions lett him bringe his writte of error, and then the matter may be tried. Otherwise for my part I hould it not fitte that wee (nay but doe decline it) do dispute *de iure Regis aut colore*, and for these reasons I cannot give my consent ether to conferre, or so much as to meete wth them about this buissines.

Lord Riche.

My Lordes: Whether we be the yonger brother or elder I will not dispute but to meete with [them] I hold it fitt and not to censure them that they will propound vnfittinge and seditious thinges. What they will say we knowe not, theirfore fitt to heare them.

Lord Zouche.

My Lo: After soe many grave and wise mens speeches it will not be vnfitt to heare an vnwise man speake. Speakinge the last day I held my self, nowe again bide to speake. I hold it fitte, to keepe corespendencie with them, good to meete; yet to determine nowe howe to send a message, that at this tyme it is vnfitt for vs to heare them, the Kinge havinge noe counsaile, but such as are members of their house.

Lo: Admirall.

My Lordes: I vowe vnto yo^{r} Lopp^{s} that I tremble to thinke of this matter being a thinge in question which is such a flower of the Crowne; and theirfore not fitt eyther to meete or conferre with them without the Kinges leave.

Lo: of Southampton.

My Lordes: I know it is a much safer thinge to be silent then to speake and much fitter for me knoweinge my owne imperfections; for speech is subiect to interpretacion, and this matter is a thinge of great weight, wherin I beseech yo^{r} Lopp^{s} to conceave both of my self and other my Lordes, that we doe not speake beinge desirous to touch a thinge soe neerely concerninge the Kinges prerogative, w^{ch} sure my Lo: I conceive is noe offence to speake of in this house, beinge the greatest court and highest place of justice in this kingdome. For touchinge the Kinges prerogative, which perhapps may be thought to scarre men and make them afraid to speak of, for my part there is none that owes more duty, affection and love vnto his Ma^{tie} then I doe, being most bound, and there is none vpon any occasion shalbe readier or willinger to give testimony theirof. My Lordes, I thinke it fitt and hon^{ble} and standinge with the wisdome of this house to conferre with them, and I had rather shewe my weakenes then not to discharge my conscience to this house. I never sawe that a conference did ever preiudice vs, and it will hold fitt corespondency with them and without conference we may hinder the busines for which the Parliament is called. Wee neede not feare them, for if they speake of matter of lawe we have the Judges to advise vs; if only of reason we neede not feare our selves, for though my self be the weakest amongest you, and we in particuler not able to answere them, yet the house togeather is a wise house, and will not be carried away with their eloquence or fine wordes but with the weight of reason. If we refuse to give them meetinge they are men subiect to affection and passion, and this perchance may distemper them: besides I never could reade that the higher house of Parliament, for soe I must call it, and vnder my Lo: favour doe thinke it noe question but that we are the elder brother, although I will give that due which is fitt vnto that house, shoulde refuse to meete wth them in a conference. My Lordes, I never came with premeditation to speake vnto this house and theirfore I hope yo^{r} Lopp^{s} doe not expect from me a sett speech. For the Lordes that spake against the meetinge I reverence their persons but concurre not wth their opinions. I feare (my Lordes) we shall doe disservice vnto the Kinge and irretate the lower howse if we conferre not with them. The Kinge hath declared at the beginninge of this Parliament his wantes, which every vulger knowes. I wish it were not so iust, to say he is not in debt, which his Ma^{tie} himself hath deliuered.

I protest I knowe not what they will say, but we may heare somwhat by a generall report; if we meete with them I thinke it is not the intention of any of yor Lopps to determine to confeere vntill you heare them and theirvpon if you doe give way to a conference not likely vpon the suddaine, naye perhaps this session of Parliament, which gayninge of tyme by deferringe it will advantage the Kinges cause, for before we come to answere we shall have forgotten what they said, and soe the vigor and force of their argumentes wilbe abated, besides to heare what they will say will inlighten our vnderstandinges sooner. I hear by seuerall persons and in seuerall manners by some Lordes that haue spoke before, I know not with what affections, that we touch a flower of the Crowne, and by some other that it is a *Noli me tangere*. I knowe not (my Lordes) what that should be vnlesse it be an ill disease which I haue hard soe called. And further that it prikes at the very roote of the Crowne it self. I am sorry that that Lord had soe little charity. I see not yet that my Los the Judges have declared themselves that it belonges vnto the Kinge to impose without Parliament. Me thinkes (my Lordes) it is very strange that in a particular Court noe Judge will deny to heare a person that makes his complaint though the matter concerne the Kinge, but will have one eare for the complaynant, and yet this great and high Court of Parliament should refuse to heare the lower house that are parte of our body, in a matter of right wch they desire to be hard, for the good of the subiect, and we refuse them. And (my Lordes) in the matter of appeale it is vnto this house, wch shewes that in the greatest and weightiest affaires the manner hath bene for the lower house to come vnto vs as nowe they doe, whoe have like interest in the common wealth with them, assuringe themselves accordinge to the manner of our ancestors, we would not refuse to ioyne with them in all humble manner vnto his Matie. My Lordes, I had many more reasons but I will troble your Lopps wth noe more, beinge sorry I have bene so longe, but beinge in I could not well tell howe to gett out sooner in a matter of this worth. Nowe (my Lordes) to conclude where his Matie was pleased to stile this Parliamt a Parliamt of love, I feare it will proove contrary to the name, which I should be very sorry to see, and a memoriall and record to be lefte behind vs to the viewe of our posterity and future ages, that the higher house of Parliamt should refuse to give the lower house a meetinge to heare the iust complaintes of the people in a matter of right as they conceive.

Lord Chamberlyne.

My Lordes: Where we dispute whether we should meete wth them I thinke we cannot resolve, havinge no counsaile to defend the Kinges cause: our refusall will make them surcease their sute, and we may send downe the cause of our refusall in such manner

as shall haue noe bitternes. And nowe to gett out of the straight and labrinth of this busines it will be the best to putt it to the question and I suppose we shall not meete with them.

Lo: ArchB. of Cant:

My Lordes: Theis three wordes, meetinge, conference and message, have much trobled the house. My Lo: that spoke last did shewe a great deale of love to the Kinge and the other Lo: that spake before his love to the people and countrey. The Kinge hath declared the cause of callinge the Parliam^t^ to supply his necessity, such a necessity as I may say bleedeth, and although phlebotomy be wholesome to a younge man, yet not soe to old age, soe that regardinge the Kinges wantes I cannot see it fitt that this be taken away, and leave him in worse case then he is, for before this was intended to be desired their should haue bene consideracion had whether this be lawfull or noe howe this might have bene supplied. Because this stringge hath not bene yet touched I presume to offer it to your Lopp^s^. And seinge we know not by any publique message, but in private, what they will say vnto vs, theirfore I hold it fitt we should deliver vnto them a delatory answere.

Lo: of Pembrooke.

My Lordes: As I conceive it the question that is in hand is of 2 partes, the first whether we agree to meete with them, the second if we doe not agree to meete with them what answere to send them. My Lordes, for the first I thinke the meetinge with them will rather exasperate then satisfy them, but if it doe, what neede we care? soe we send them a faire answere and the cause of our refusall, for we are not bound to satisfy all their desires noe further then it shall stand with the wisdome of this house, but to meete them and not to conferre, their message beinge for a conference and not a meetinge, about the point of imposicions will make them take it much worse then if we refuse to meete them.

My Lordes: Imposicions are either *in iure Regis* or else against lawe. If they be in the Kinges power to impose, then not fitt to conferre at all; if against lawe we should doe the Kinges cause wronge vnles, w^ch^ is impossible, we had the Kinges counsaile whoe are all nowe of the lower house, (which cannot be this session of Parliament). If they be not against lawe but a burthen without a wronge, then I knowe the Kinge is soe noble and ready to satisfy the greifes of his subiectes that he of himself will ease them. Your Lo^pps^ may nowe see when I shall come to give my voice for the meetinge or conference vpon what ground and why I refuse to doe it.

Lo: Chauncelor.

My Lordes: If I should speake much I should loose much by the way, beinge an old man and my memory weake. My Lordes:

I must tell you that *in conceptis verbis* the lower house desire a conference and your Lopps are disputinge whether you should give them a meetinge. What will that doe but, as a Lo: said, to gase, for to conferre is to dispute the matter, and lay record against record, and booke against booke: for the one you haue not the Kinges counsaile heere to doe it and for the other you heare my Lordes the Judges say they haue not in the least manner at any time considered of this case; and on the other side they goe both high and lowe and looke of all thinges that concerne their purpose, and we can say nothinge havinge not seen recordes. They perhapps will tell vs of the lawe of nature and nations, beinge learned and able gentlemen who haue studied this case long. If any man in this house thinke himself able to dispute with them, lett him doe it: for my parte I must desire to be excused. I thinke both the Kinges necessity on the one side and the peoples good on the other must be regarded, but who can love the kingdome so well, can the lower house, as the Kinge that is *Pater patrie*? The Kinge hath no prerogatiue but that that is warranted by lawe and the lawe hath given him, and theirfore if they finde themselves agrieued, lett a writt of error be brought and then the appeal must be brought, not vnto the lower house, but vnto your Lopps, and then if so be you finde error then to determine it vpon the hearinge of the Kinges counsaile, otherwise beinge found noe error in the pleadinge by your Lopps the matter is to goe downe againe vnto the Kinges Bench and their the Chief Justice is to give sentence in the cause.

Lo: Bishop of Winchester.

My Lordes: This a great matter and not fitt to be spoken of without the Kinges leaue, and soe I haue observed to be alwaies vsed in matter of great waight, havinge sitten in this house in seuerall Parliamtes the space of these 30 yeares.

Lo: B. of Durisme.

My Lordes: We are heere speakinge of a great and waightie busines, such a one as never came a greater in question in my tyme, for although I am a young Parliamt man, yet an old man, and for my parte I will say *Non ponam rumores populi ante salutem, nam vnus homo nobis cunctando restituit rem.* Theirfore without his Matie not fitt to argue of this matter, till we knowe his pleasure heerein, whose motto is that *salus populi suprema lex.*

Lo: Davars [Danvers].

My Lordes: If the want of counsaile be the matter we cannot conferre with the lower house: if we made knowne soe much vnto them, noe doubt they would spare the Kinges counsaile in that house, and then their were no impedimtes and hindrances why we might not argue and dispute the matter.

My Lo: Chauncelor sittinge in his place of Speaker mad a speech to this effect followinge: That it was his Ma^tes pleasure he should deliuer vnto vs howe well he accepted of our services and willingnes to doe him and our countrey good, and as he willed him to give vs thankes for our dutifull carriage and love towardes him in all thinges soe he doubted not but we would continue the same, and in any thinge that should come in question concerninge his prerogative we would proceede iudicially and gravely and not suffer his right to be determined vntill we hard his counsaile and the Judges speake.

Thursday the 26 of May 1614.

An answer sent by the Lordes to the lower house by Mr. D. Bird and others to this effect, viz^t: Wheras the Knightes, Citizens and Burgesses of the Commons house of Parliam^t did desire of the Lordes a conference vpon a point of imposicions, to w^ch theyr Lpp^s answered they would take it into consideracion and send them answere in convenient tyme by some messenger of their owne,

Their Lopp^s doe nowe retorne this answere, that they are and alwayes wilbe willinge and ready to hold a lovinge and mutuall corespondencye w^th them, but they havinge entred into a graue and serious consideracion aswell of the matter it self as of diuers incident and necessary circumstances doe not thinke it convenient to enter into any conference of this cause concerninge the pointe of imposicions at this tyme.

A bill for the naturalizinge two of the children of one Phillip Carownes who is nephew vnto Sir Nowell Carowne, legier Embassado^r heare for the rates [*sic*] of the Lowe Contreys.

The bill of assigninge debtes vnto the Crowne once reade.

The bill for the establishm^t of the lawes in Wales.

Lo: Say.

My Lordes: Although yo^r Lopp^s have determined there should be noe meetinge, but not that you should not conferre with them.

The house overruled it that there should be neither meetinge nor conference.

Lo: Chauncelor.

My Lordes: To facilitate the busines I thinke it fitt your Lopp^s would take the same course as in the matter of tenures soe to returne them this answere, that in regard of many weighty and great reasons for this tyme we thinke it not fitt to give them a meetinge about the point of imposicions although we desire in all thinges as heretofore we have done to carry a mutuall lovinge corespondency with them.

Lo: Knowles.

My Lordes: Our message ought to be short, that for many waighty causes we cannot meete with them at this tyme.

Lo: B. of Bath and Welles.

May it please yor Lopps I haue read that in all great consultacions the seedes men are to sowe first and the other to reape. They first sowed and sett abroach this matter and theirfore we ought to give them answere, for that is to goe *discendendo* not *ascendendo*. I thinke the message is very well moved by my Lo: Chauncelor which cannot be mended.

Lo: Admirall.

My Lordes: Vnder your Lopps favours I thinke my Lo: Chauncler did not by way of direction but motion offer this messuage vnto your Lopps consideracion.

Lo: Riche.

May it please your Lopps that some reasons may be lefte in our Journall Parliamt booke why we conferred not wth the lower house at this tyme.

The bill for keepinge of the Sabboath second tyme read.

Lo: Saye.

My Lordes: I thinke that the bill of keepinge the Sabboath is soe good, for these thinges that are specified therein are vnlawfull sportes and games of themselves, or if they were lawfull vnfitt to be used of that day, for the Sabboath is as much broken by recreacions and sportes as the businesses of a mans callinge, and theirfore I beseech your Lopps it may be ingrossed and not committed.

Lo: Chauncelor.

My Lordes: The bill is ingrossed already beinge sent from the lower house and cannot be soe by the order of this house. But if any man speake against it it may be committed, and if any amendmtes be brought in the amendmtes must be twise reade and added to the bill and soe sent downe to the lower house. The which I pray yor Lopps to consider of, for the committinge of it will perhapps hinder the bill, for the Parliamt perchance may rise before it have his full passage.

Lo: Knowles.

My Lordes: I pray yor Lopps that the bill may be committed for that it may haue a better passage.

Lo: Chauncelor.

My Lordes: Noe bill can be committed without a reason against the bill accordinge to the order of this house.

Lo: B. of Lincolne.

May it please yo^{r} Lopp^{s}, I think there is noe man that regardes the glory of God and keepinge of the Sabboath day holy but doth like well of this bill, only (my Lordes) I offer it to yo^{r} Lopp^{s} wisdomes whether that carriers and packmen be not fitt to be added in this bill, who doe much offend in this kinde. When I speake of lawes I am out of myne owne element, but I thinke there is a statute in E.6. his tyme that 4 Sundaies are allowed by the lawe for people to worke in the tyme of harvest, w^{ch} were well to be mended in this bill.

Lo: Bi: of Bath and Welles.

May it please yo^{r} Lopp^{s}, I cannot much dislike or speake against the title of the bill, but I haue reade another title besides Sunday or the Sabboath, the Lords day. The Sabboath day soe called by the Jewes, Sunday by the gentiles, the Lords day by the Apostles. In it 2 principle thinges are required, the one is rest the other is sanctification, the first for our bodies, the latter for our soules; rest from laboure not from all thinges, for if only to rest were the keepinge of the Sabboath sufficient then horses and beastes kept the Sabboath aswell as we doe. On the Sabboath we may doe that which is *opus necessarium* and those things whereby we breake not rest nor sanctificacion, for to doe nothinge is not rest, naye we may not only rest but recreate, for their is noe day that we are comaunded to rest but Sunday, and theirfore noe day else to recreate. Salomon saith that there is a tyme to be merry and a tyme to be sadde, a tyme to mourne and a tyme to dance, nay we finde in the scripture that dancinge is lawfull, for Dauid danced before the Arke, naye the Jewes did recreate on the Sabboath day and we cannot be stricter in observinge these thinges then they were. They had their tentes placed before the Tabernacle 200 cubittes of, and every cubitt contained soe much in length, which shewes that their tents were 2 miles from the Tabernacle. Nowe if soe be it were not lawfull to doe any thinge but rest, then not lawfull to have come home againe after they had bene at the Tabernacle. But I say it and speake it confidently, that dancinge cannot be prooved vnlawfull by the scripture nor any such exercise vpon the Sabboath day wherin their is neither labour vsed nor profainenes committed, for such exercises as are lawfull may be abused wth wantonnes and deliciousnes soe that the abuse may make that w^{ch} is lawfull vnlawfull. I hold (my Lordes) that this abuse properly belonges to vs of the clergy, for this is fitt for ye spirituall court. In all offences their are 2 thinges, *peccatum* and *scandulum*. *Peccatum* appertaynes to the Common Lawe to punish and *scandulum* belonges to vs, as for example, if a man committ murder you (my Lordes the Judges) punish, if you doe not we excomunicate, soe in like manner if you punish incest we meddle not with it, if you doe not we

doe, but to punish both at one and the self same tyme for one fault I hold it not iust. You may see by this I have spoken that the punishm^t in respect that it is *peccatum* the lawe punisheth, as it is *scandulum* we punish, and if one either iumppe, leape or dance vpon the Sunday if it be a sinne (w^ch I assure my self it is not) he shall be punished v^s [? viz.] by the lawe, and yet subiect to our punishment of excomunicacion. I hope in this speech of myne neither for laboure in respect of rest or profaines in respect of sanctificacion I have allowed either, or erred. For my owne part I have alwayes strictly observed and kept the Sabboath day in respect of offendinge eyther in laboure or profainnes.

Satterday xxviij^th of May 1614.

A message brought from the lower house by S^r Ed. Hobby and others.

Lo: Chancelor.

My Lordes: The Knightes, Citizens and Burgesses of the Commons house of Parliam^t doe pray a conference w^th yo^r Lpp^s about imposicions and they say they hoped that neither out of the wordes nor matter of the message it had bene possible for any man to haue framed any sinister or vnworthy construction; that notw^thstandinge by publique and constant fame they had hard to their hartes grief that one in this place and w^thin theis walls, namely the Lo: Bpp of Lincolne, to disswade yo^r Lordshippes from conference soe desired as aforesaid did vse wordes to this effect followinge or worse, viz^t: That the matter whereof conference was by that house desired is a *Noli me tangere*, inferringe also that the takinge of the Oathes of Allegiance and Supremacie is an impedim^t soe as who soe had taken the same oathes might not safely enter into conference of the said matter, affirminge further that it did strike not only at a branch but at the roote of the prerogatiue and Imperiall Crowne, and that he doubted least in such conference as was desired there would from some of the comittees of that house proceede some vndutifull and seditious speeches, vnfitt for yo^r Lopp^s to heare, tendinge to a dangerous rent and distraction of both houses and to make an alienacion betwixt the Kinge and his subiectes; that of this scandall that house is soe sensible that they have sent theis messengers to signifye their griefe and that they hold yo^r Lopp^s so hon^ble that you cannot but also take notice theirof: wherefore that house did desire that yo^r Lopp^s will ioyne w^th them in some course to give them satisfaction for soe great a wronge done vnto their house, w^ch they haue taken soe to hart that they haue determined to forbeare all proceedinge in any Parliam^t matter vntill they may receiue answere from yo^r Lopp^s, wherin they doubt not but yo^r Lopp^s will deale nobly w^th them, and they desire it may be speedily.

Lo: Chancelor.

My Lordes: I hope your Lopps doe not expect from me a relacion of the excellent speech of this learned gentleman from the lower house, the effect whereof I shall deliver to your Lopps:

Whereas of late the Knightes, Citizens and Burgesses of the Commons howse of Parliamt sent vnto yor Lopps desiringe you to give them meetinge by a conference about the point of imposicions, hopinge your Lopps would accordinge to the ancient manner of yor Lopps haue given them meetinge in the dispute and the discussinge of this matter within the walls of your house in a full assembly, a Lord of yor house by name the Bishoppe of Lincolne (as we heare by a publique and constant fame) deliuered wordes to this effect or worse: That it was a *Noli me tangere* and that those that had taken the Oathes of Allegiance and Supremacie could not doe it with a good conscience, besides that this busines of imposicions did not only prike at a branch but even at the yea at the roote of the Imperiall Crowne it self, and could not be contented with this on Saterday but on Munday after said further if your Lopps should meete with them (he feared) they would vtter such vndutifull and seditious speeches vnfitt for you to heare, which (my Lordes) hath soe much wronged (and bene an impedimt to his Mates busines) your Lopps and them that it woundes them, clappinge his hand vpon his breast at the very heart, I at the very hart, soe that vntill they receive yor Lopps answere herein to be righted as in yor Lopps wisdomes shall seeme fitt they will not deale in any other busines.

After their messengers were gone forth we entred into consideracion what message to send them, which was this.

Lo: Chancelor.

My Lordes willed me to returne you this answere, that they would enter into consideracion herein and send the Knightes, Citizens and Burgesses an answer by messengers of their owne regardinge both the honor of their owne and your house.

Lo: of Worcester.

My Lordes: To breake this silence I thinke it were well nowe my Lo: Bishoppe of Lincolne hath hard what hath bene said to heare what he will say and explaine his owne meaninge.

Lo: Knowles.

My Lordes: *Fama* is *volens* and somtymes *mendax* but this *revera*. For whether this was spoken or noe in this house we our selves knowe, soe as vnder my Lordes favour that spoke last, I hold this to be more then common fame.

Lo: Admirall.

My Lordes: I never sawe that it stoode with the iustice and equity of this house to punish or condemne a noble man of this house by common fame.

My Lords speeche.

May it please yo^{r} Lopp^{s}: Knowinge my self to be the weakest and meanest person in this house I will not vndertake to speake in this waighty matter. But only I beseech your Lopp^{s} give me leave to troble you with some fewe wordes for to answere the last parte of that Lordes speech that spoke last, for (vnder his favour) I take him not to be a noble man but a Lord of Parliament. For if a Bishoppe committ any fact to be tried he shall not be tried by noble men (which are not his peeres) but by his peeres a Middlesex Jury, a Jury of gentlemen.

Lo: B. of Winchester.

My Lordes: I hope your Lopp^{s} will not punish a man by common fame, and as we are noe noblemen, yet I hope you will give vs leave to speake and will not haue vs loose our priviledges.

Lo: Zouche.

My Lordes: When I satt as a Judge in Wales I would not condemne any vpon fame, but heere the partie informinge and the partie delinquent and soe punish as I sawe cause vpon the proofe. I assure yo^{r} Lopp^{s} if I had conceived he said any thinge worthy the reprehension, or any of your Lo^{pps} had spoken in it then, none in this house should haue consented willinger to his punishm^{t} then my self; but nowe havinge rested these many dayes I cannot concurre with yo^{r} Lopp^{s} to have the thinge to be brought in question.

Lo: B. of Bath and Welles.

My Lordes: I take it that these matters of fame belonges vnto vs, and are punishable in our Court, for we are Judges and soe sitt heere, and theirfore to be both Judges and informers I thinke we cannot by lawe.

Lo: B. of Assaph.

My Lordes: I thinke matters of fame are not proper to the Common Lawe, nor to this hon^{ble} and high Court of Parliam^{t}, but vnto vs that are Bishopps, and accordinge to the greatnes of the fact we punish.

Lo: Riche.

My Lordes: I knowe not any cause but it is fittest to be tried in this place, beinge the highest Court in the Kingdome,

but this which is desired by the lower house is but to declare vnto them whether these wordes were spoke within the compasse of this house.

Lo: Chamberline.

My Lordes: Although I love my Lo: Bishoppe of Lincolnes person as my friend and reverence him for his place and worth, yet vpon iust ground none should be willinger to condiscend to punish him; but take heede (my Lordes) howe you condemne any man vpon fame; for my owne parte I was heere and hard the speeches and if he had said anythinge that had bene vnfittinge I should have shewed my dislike, but I hard noe such thinges from him as he is charged withall by a common voice publique and constant fame; and to make him accuse himself, God forbidde, but if any doe affirme or justify that he spoke these wordes none shall be more willinge to condemne him then my self, if it be prooved.

Lo: ArchB. of Cant:

My Lordes: I thinke we should doe well to haue the wordes sett downe *in conceptis verbis*, and if my Lord confesse them, there is an end; if otherwis we may argue of the nature of his offence, for vntill a man heare what is alleadged against him, and his answere, I thinke yo^{r} Lopp^{s} will not condemne him. Theis are the staires by which I thinke fitt we should clyme to the height of this business.

Lo: Lisle.

My Lordes: If soe be there were nothinge but common fame to accuse my Lo:, then I should be of your Lopp^{s} opinions not fitt to take notice of it, much lesse to condemne him. But (my Lordes) the message we have received from the lower howse is this, that this was spoken within the walls of this house, and theirfore nowe we must take more particular notice theirof, and cannot esteeme it as common fame.

Lo: Chauncelor.

My Lordes: Both in regard of the weightines of this business [and] the many partes of it being euery one of them soe well spoken vnto already, I would haue been silent were it not to deliuer vnto you both what the Comon Lawe is, wherin I referre my self to my Lordes the Judges, and to deliuer to yo^{r} Lo^{pps} what I conceive, which I submitt to yo^{r} wisdomes, necessary for the reteyninge of the honor and priviledges of this house. My Lordes: *Communis vox aut fama* by the Common Lawe will condemne noe man, for *Fama est mendax*: as for the civill or ecclesiastical lawe yo^{r} Lopp^{s} haue no reason to take notice of, for the Common Lawe is the thinge by which this kingdome is governed. If a man say that any of your Lo^{pps} or should say of myself (for an instance) that common fame was that I should

speake treason or traiterous wordes, were this sufficient to accuse me? Nay, God forbidde, because common fame hath said it which comes forth in this manner: one speakes a thinge to another, he to a third, and soe it runnes into many mens mouthes, and increaseth as it goes. At the last a man bringes his accion that common and constant fame saith I have said such a thinge. In this case vnlesse I produce the partie that spoke it by wittnesses and make evident the tyme and place when he spoke it, it will availe him nothinge, nay I shall haue my accion beinge a noble man of *Scandulum magnatum* and the other beinge but a meane man an accion of the case. But I pray you marke (my Lordes) who is the Bpp of Lincolnes accuser? Why, common fame. Theirfore vnlesse there be more then this I cannot see howe he can be touched or hath offended by the Common Lawe. Againe in point of honor (which I know yor Lopps will very tenderly regard) take heede howe you give way to this which is a dangerous president, for I may say to any in this house, *Hodie mihi cras tibi.* It is my Lordes case today, it may be any of yor Lopps to morrowe. For if soe be you will suffer this, then it will be dangerous for any of yor Lopps to speake, for if you speake any thinge that dislikes the lower house then you must give an account to them of your wordes, and sufficient inough to be accused by common fame. The which I hop I shall not live to see yor Lopps doe yor selves soe much wronge as to loose the priviledges belonginge vnto you from yor noble ancestors, nor the honor of this house. If yor Lopps doe not looke well vnto yor priviledges you will loose them, for as the lower house are stricte in the observinge and mayntain[in]ge of theirs, soe we ought to be of our house.

To bringe this matter to an end, if soe be eyther the lower house will charge him that he spoke these wordes which ar laid against him, which must be sett downe *in conceptis verbis*, for a speech and the reportinge of it many times differs, or els that any man in this house will charge him with the wordes, then your Lopps haue matter to ground vpon, but give me leaue to tell you that your Lopps are Judges, and theirfore cannot be his accusers, and by lawe their must be a partie accusinge. If I had conceived that any lord had spoken as is conceived by the Knightes, Citizens and Burgesses of the Commons house of Parliamt, I should vnder my Lordes fauoure haue checkt him for it, but nowe it being spoake theis 4 or 5 daies agoe I see noe reason to call him to accounte for it, for if he spoake seditiously or vndutifullie of his Matie or the State then yor Lops are in as greate faulte as he to let it passe on wthout [notice] of it that he might haue come to haue beine questioned for it. If yor Lopps send downe a message to the lower house that you finde not matter nor grounde enough to punnishe him vnles you receiue better proof from them, I hould it will sett the business in a right waie and vpon theire aunswer your Lops maie proceede as in your wisdomes you shall thinke fitt.

Hereuppon it was ordered that against Mondaie my Lo: Arch: B: of Cant: and the Lo: Chaun: should drawe the effect of the message to be sent to the lower howse in wryting, w^{ch} accordinglie they did.

Monday the 30th of Maye 1614.

The bill of assignem^{t} of debbtes vnto the Kinge passed.

The bill of the free grammar schoole and hospitall in Monmothe founded by one Mr. Jones a merchante adventurer first time read. The poore were 20^{tie}, theire allowance vj^{d} a day apeece. A preacher a hundred markes a yeare. The head scholemaister threescore poundes a yeare and the vsher thirtie poundes, besides soe much monie to be allowed by Mr. Joanes as should build both theise howses fairelie of stone.

The message wrytten by the Lo: Arch: B: and the Lo: Chauncelor was well liked of and allowed by the howse concearninge the aunswer to the message aboute the B: of Lincolne and sent down to the lower howse by two Maisters of the Chauncerie, and they haueing it in wryting leaste they should mistake were willed yf they should be desired to leaue the wryting wth them, w^{ch} the lower house deysyring they did soe.

The answer that was sent downe vnto the lower house.

My Lordes havinge received from the Knightes, Citizens and Burgesses of the Commons house of Parliam^{t} a complaint against the Lord Bishoppe of Lincolne haue seriously entred into consideracion theirof and doe now returne this their answere.

That their Lopp^{s} would take it very tenderly that any vnworthy aspertion should be laid on that body which they so much respect and wth whome they desire to hold all good corespondence and agreem^{t}. But forasmuch as the complaint seemeth to be grounded not vpon direct or certaine proofe but only upon a constant publique fame, is it a sufficient ground whervpon they may proceede in this cause as is required ?

Neverthelesse their Lopp^{s} are so respectiue of any thinge that may concerne that house that when they shalbe more certainly informed in direct and expresse termes what the wordes were wherewth the Lo: Bpp of Lincolne is to be charged and howe the same ought to be proved, they will proceede theirin soe effectually accordinge to honor and justice as it shall theirby well appear howe carefull they are to giue to that house in this busines all good satisfaction that may be and to omitt nothinge that may be iustly or lawfully done in that behalf.

The bill of one John Ewe broughte in wth the amendemtes.

The bill of Somersalls broughte in.

Tueseday the 31th of Maye.

The bill of [Painswick] in Gloucester shire second time read.

The bill of John Ewe in the countie of Wilts for the paym^{t} of his debttes the third time read and passed.

The bill of Monmouth for the schoole and hospitall there the third time reade and passed.

The bill of Somershall the third time read and passed.

A message brought from the lower howse by S^{r} Roger Owen concerning the Bishopp of Lincolne.

S^{r} Roger Owen.

Maie it please your Lop^{s}, the Knightes, Cittizens and Burgesses of the Commons howse of Parliam^{t} haueing rec^{d} an aunswer of their complaint against the Lo: B. of Lincolne from your Lop^{s}, that common fame was not sufficient for you to joyne wth them for the punnishem^{t} of the B: of Lincolne, yet sufficient for yo^{r} Lopp^{s} to take notice thereof and to enter into consideracion of the busines, for the wordes were spoake wthin the walls of yo^{r} howse by y^{t} lorde that the pointe of imposicions was a *Noli me tangere* and whosoeuer had taken the Oath of Allegiance or Supremisie could not speake in that matter wth a good conscience, besides that this did not onlie touch at a braunche but at the very Imperiall Crowne it selfe, and not satisfied herewth wthin two daies after in an other speache saide yf soe be your Lop^{s} should giue vs meeting in this matter he fear'd wee would speake soe vndutyfullie and sediciously not fitt for your Lop^{s} to heare, theise or the like woordes or worse to the like effect wee by common fame doe heere he should speake. My Lordes, the Knightes, Cittizens and Burgesses do assure themselues according vnto your Lopp^{s} aunswer you will doe that w^{ch} shalbe fitt both in justice and hono^{r}, and they wilbe readie to doe the like vnto vs in any matter in this nature that concearnes vs.

After wee had desired them to retire themselues and my Lo: Chauncelor had reported his message to the house they were sent for in againe to the barr and rec^{d} this messag from my Lo: Chaun: (as the mouth of our howse) the w^{ch} wee had agreed on.

Lo: Chauncelor.

My Lordes have willed me to returne you this aunswer, that they will send theire aunswer by messeng^{rs} of their owne to the Knightes, Cittizens and Burgesses of the lower howse of Parliam^{t} either this daie or in convenient time.

Answer sent to the Lower Howse.

That y^{e} Lordes havinge recived from the Knightes, Citizens and Burgesses of y^{e} Commons house of Parliam^{t} a second message touchinge the complaint against the Lord B^{pp} of Lincolne and theirvpon entering into consideracion of the busines, the said Lo: Bishoppe did humbly intreat that he might be heard

to expound himself, which being granted vnto he did make solemne protestacion vpon his salvation that he did not speake any thinge wᵗʰ any evill intention to that howse, which he doeth wᵗʰ all his hart duly respect and highly esteeme, expressinge with many tears his sorrow that his wordes were soe misconceaved and strayned further then he ever meant, which submissive and ingenious behavinge of himself gave satisfaction to their Loppˢ that howsoever the wordes might sound his intention was not as it hath bene taken, and their Loppˢ doe assure the Knightes, Cittizens and Burgesses of the Commons house that if they had conceived the Lo: Bishopps wordes to have bene spoken or meant to cast any aspertion of sedition or vndutifulnes vpon that house, as it seemeth report hath bene carried to them, their Loppˢ would forthwᵗʰ have proceeded to the censuringe and punishinge theirof wᵗʰ all severitie.

Nevertheles their Loppˢ think fitt to signifie that although they have been carefull at this tyme to give them contentment for the better expeditinge of his Maᵗᵢᵉˢ great busines and to retaine all good corespondency wᵗʰ them, yet their Loppˢ are of opinion that hereafter noe member of their howse ought to be called in question when there is noe other ground theirof but publique and common fame only.

Lo: Admirall.

My Lordes, The time is shorte and the lower howse doe speedelie expect our aunswer, therefore yf yoʳ Loppˢ please, that the Bishopp may interpritt his owne meaninge.

Lo: Spencer.

My Lordes, I thinke my Lo: Admirall hath lyned out a perfect good and straighte waie.

Lo: Chamberlin.

My Lordes, I thinke wee have taken a good waie and course in sending downe our message before vnto the lower howse. Nowe the question is not in our joyning wᵗʰ them in his punnishemᵗ but to knowe whether my Lo: of Lincolne spoake the wordes or noe.

Lo: Bi: of Winchester.

My Lordes, Yf yoʳ Loppˢ will haue my Lo: of Lincolne to speake I thinke yoʳ Loppˢ shall doe well to giue him time to bethinke himselfe to speake.

Lo: Sea [Saye].

My Lordes, Wee haue promised the lower howse to keepe a fitt correspondencie wᵗʰ them, therefore it is fitt for vs either to heere the Bishopp or else to declare oʳ selues whether he spoake the woordes or noe.

Lo: Arch: B: of Cant:

My Lordes, We cannot sitt vntill Saturday by reason to morrowe is Starr Chamber daie, Thursdaie Assention day and Frydaie Starr Chamber daie againe. And Whitsontide being soe neere it is fitt to determin this question nowe, and therefore it were well my Lo: of Lincholne should be heard to say whether he spoake those wordes or noe.

Lo: of Southampton.

My Lordes, Findeing a great scilence noe man speakeinge it seemes to me to shewe consent that my Lo: of Lincoln should speake. If any man like not that he should he may speake against it and we maie heare him, else surelie, my Lordes, I am of the same opinion of that lord that thoughte it fitt wee should declare o^{r} selues whether he spake the woordes or noe yf soe be my Lo: will not speak himself.

Lo: B: of Lincolne.

Maie it please your Lo^{ps}, I houlde myself a miserable and vnfortunate man that your Lo^{ps} should be troubled w^{t}h me and that soe many daies hath beene spente about a speach or two I should make in this howse, wherein I proteste vnto your Lop^{s} I neuer intended to offend your Lo^{pps} or displease the lower howse. I beseech your Lopp^{s} regarde the priuiildges of this ho^{ble} howse and accept of my humble submission, for I had rather dye then be the cause to breake the priuiledges belonging to this howse, and therefore whatsoeuer becomes of me it is noe matter, regarde your owne hono^{rs}. Yet I vowe vnto your Lo^{ps} as if I were to dye presentlie and aunswer it at the Daie of Judgm^{t}, I had noe moore purpose to giue offence to either howse then the childe that is vnborne, and I desire noe longer to haue any beeing then to carrie my self according to your Lopp^{s} likeinges. My Lordes, I will not goe aboute to iustefie myself for my woordes but leave them to your Lo^{ps} iudgm^{tes} and censure, onelie lett my inocencie woorke comiseracion and pittie in you. I knowe my owne meane estate and thoughe I am come from honest parentes yet noe mans man of the lower howse meanelier boarne then I am. For [? Soe] what wrong should I haue done to my self to haue spoake against them from whome I am comme, for from the commons I am descended, and thether I shall returne, for allthough by his Ma^{ties} greate and vndeserued fauoure towardes me I sitt in this ho^{ble} howse and haue my voice amongst soe manie grave, wise and noble personages, yet my sonne is a comoner, and to the commons I shall returne if it please the Kinge to take away his favour from me. Wheras by common fame I may say that some of the gentlemen of the lower howse haue said there that I haue fowre and twenty Church livinges and preferm^{tes} I doe acknowledge that all I haue is from the Kinges favour and those honorable personages that preferred

me, yet I vowe vnto yo^{r} Lopp^{s} that my debtes beinge paid all my estate eyther in land, lease or goodes is not worth aboue 2,000 markes, which is noe great matter consideringe howe longe tyme it is since I came forth of the vniuersitye, and the great places I haue bene in. I am very ready and willinge to giue satisfaction eyther to your Lo^{pps} or the lower howse for that I haue said, referringe my self to your Lo^{pps} wisdomes and censures.

Lord Knowles.

May it please your Lopp^{s}, I see not in this thinge *scandulum datum* but *acceptum*, for it is not we but they [*sic*] lower house that take exceptions at my Lo: of Lincolnes speech. I thinke we takinge noe exception at for them [*sic*] we are not to giue them an accompt what passeth here, and for our selves I hope your Lopp^{s} vpon this my Lordes submission and sorrow expressed by his teares (which I was sorry to see) and expressinge himself that he had noe intention to offend eyther howse, will be satisfied.

Lo: Chamberlyne.

My Lordes: Yo^{r} Lopp^{s} see howe much the Bishoppe hath been wronged by the Commons house, and for my part I am satisfied and soe I hope your Lo^{pps} wth his submission, and doe thinke we should doe well not to suffer a member of our howse to be soe wronged, havinge his life laid open from the beginninge. I love him as he is my freind and reverence him as a great and learned prelate, who hath bene made like a Bashawe by the Commons howse. My Lordes, it is fitt we should carry a good corespondence wth them, yet regarde your owne honors, and though we haue bended and yealded very much vnto them in this matter, more then ever I knewe this howse doe before, yet not fitt to bowe to much: for answere vnto them I hold it vnder your Lopp^{s} favors good to let them knowe that we are satisfied wth my Lordes explayninge of himself and (which was very much) his teares and sorrowe that he should be mistaken, never intendinge to offend nor speakinge the wordes they by common fame would lay against him.

Lo: Chandos.

My Lordes: There is none willinger then my self to incline to mercye, and havinge heard and seene my Lordes sorrow am theirwth satisfied, yet it is very fitt to keepe a good respect wth the lower house, who desire to knowe whether my Lo: the Bishoppe of Lincolne spake the wordes or noe, which surely (my Lordes) though we be all willinge to passe over yet I thinke neither my Lo: himself will denye he spake the like wordes or to the same effect, neither shall we forbeare to declare our selues (if it were necessary) what he said.

Lo: of Southampton.

My Lordes: I intended not nowe to haue spoken, but that I heare a mutteringe in the further side of the howse whether my Lo: of Lincolne should speake the wordes or noe. I must say as my Lo: that spoke last before that none in the howse is willinger to forgiue then myself, and gladde I was to see my Lordes submission, but I pray yo^r Lopp^s we may haue noe more dispute of this matter. For it is one thinge to forgiue and another, if there be question made, to affirme, accordinge to my owne or any other of your Lopp^s apprehension, what the wordes were that were spoken.

Their beinge vpon [*sic*] much and longe debate and dispute about this matter for the space of three houres and no resolucion had, my Lo: of Pembroke moved that the Court might be adiourned and we sitt in the howse as a comittee.

Lo: Chamberlyne at the comittee.

My Lordes: I am not of opinion that the Kinge hath noe power to impose and for my Lo: the Bishopps first wordes (if they had come into [my] thoughtes) I should haue spoken almost soe much, but for the latter I would not haue spoken, neither doe I conceive he had any meaninge to wronge the Commons house.

Lo: Bpp. of Lincolne.

May it please your Lopp^s, I had rather that I were dead then I should preiudice the priviledge of this hon^ble house. If I haue offended, though I protest to your Lopp^s I never spoke the wordes, set downe what punishm^t you please or submission I shall make and I shall most willingly obey it.

After the Bpp^s speech the house went from the comittee, and satt againe as the house and passed this bill last mencioned, havinge resolved that the Lo: ArchB: of Cant:, the Lord Chauncelor of England, the Earle of Southampton and the Lo: Chandos should goe and drawe in writinge the message we should send in writinge to the lower house concerninge the Bishop of Lincolnes busines.

Wednesday Starre Chamber day the 1 of June.

Thursday Ascention day 2 Junii.

Friday Starre Chamber day.

Satterday the 4th of June.

My Lo: Chauncelor excused the Bishoppe of Durisme and the Lo: Dacres absence for want of their health.

The bill of the Sabboath brought in againe by my Lo: ArchBpp of Cant., who deliuered vnto the house that the comittees of the lower howse came only to heare what we would obiect against the bill of the Sabboath and had noe comission to dispute it wth vs.

The Lo: Morley and the Lo: Eure his men and the serieantes that arrested two of their servantes attended the house this day.

The bill for the confirminge of the coppieholders estate of Pensley the third tyme read and passed.

The answere sent downe to the lower house in writinge which was lefte there by fowre of the Masters of the Chauncery.

That we havinge recd from the Knightes, Citizens and Burgesses of the Commons house of Parliamt a second message touchinge the complaint against the Lo: Bpp of Lincolne and theirvpon enteringe into consideracion of the busines, the said Lo: Bishoppe did humbly entreat that he might be hard to expound [or explane] himself, which beinge graunted vnto him he did make solemne protestacion vpon his salvacion that he did not speake any thinge wth any evill intencion to that house, which he doth wth all his hart duly respect and highly esteeme, expressinge, wth many teares, his sorrowe that his wordes were soe misconceived and strayned further then he ever ment, wch submissiue and ingenious behavinge of himself gaue satisfaction to their Lopps that howsoeuer the wordes might sound his intencion was not as it hath bene taken, and their Lopps doe assure the Knightes, Citizens and Burgesses of the Commons howse that if they had conceived the Lo: B. his wordes to haue bene spoken or meant to cast any aspersion of sedition and vndutifulnes vpon that house (as it seemeth report hath bene carried vnto them) their Lopps would forthwth have proceeded to the censuringe and punishinge theirof wth all severitye. Neuerthelesse their Lopps thinke fitt to signify that although they haue bene carefull at this tyme to giue them contentment for the better expeditinge of his Mates great busines, and to reteyne all good corespondence wth them, yet their Lopps are of opinion that hereafter noe member of their howse ought to be called in question when there is noe other ground theirof but publique and common fame only.

The conference at the comittee this Satterday morninge betwixt the comittees of the higher house and the lower house concerninge the sanctifyinge and keepinge holy of the Sabboath day.

Lo: B. of Bath and Welles.

May it please your Lopps and you the Knightes, Citizens and Burgesses of the Commons House of Parliamt, my Lordes havinge at the comittee vpon this bill examined the partes

theirof doe dislike it for theis particulers. In the bill it takes away all exercises and recreation on the Sabboath day comonly called the Lordes day or Sunday, whervpon it hath theis three seuerall appellations you know very well. To take away all recreation is as I conceive it contrary to the divine rule it selfe, and the strictest and reformedest Churches, for we cannot be stricter then the Jewes were in the observacion of the ceremoniall lawe, who went on the Sundayes to the Tabernacle and returnd againe that day. Geneva after eveninge prayer allowes palmall [pall-mall], tennis and such like exercises and in my opinion those recreations that neyther breake rest nor sanctificacion, wᶜh are the two partes of performinge the due observacion of that day, are lawfull and may be vsed. We reade that David danced before the Arke and Myrrean vpon the Sabboath day. The punishment of him that offendes his [*sic*] lawe is in settinge in the stockes which is to be done this day. The which is very vnfitt to make the Sabboath a day of punishmᵗ. Who must be punished? The poore. By whom? By a Justice of Peace, and yet not free from our Court, the which I holde to be vniuste that a man should be punished in two places for one and the self same fault. This bill will only touch and concerne the poore, wᶜh if it passe then both by the lawes already made and this all exercises are taken from them. For on the weeke day his necessitye to maintaine himself and his familye will not giue him leaue to recreate, neither will men pay workemen money and give them leaue to recreate themselues.

Sir Ralphe Winwood, Principall Secretary.

My Lordes: That wᶜh the Commons house doe expect is to heare what exceptions your Loppˢ make against the bill.

Lo: B. of Oxenford.

May it please your Loppˢ, As this bill takes away all exercise and recreation vpon the Sabboath day soe I thinke fitt it were inserted that their might be noe servile worke done neither buyinge or sellinge on this day. Besides there is a great abuse committed in London, which is very vsuall, in arrestinge men in their goinge or cominge from church, which it were well this bill might meete wᵗh this offence.

Lo: ArchBpp. of Cant:

You gentlemen of the comittee assigned from the lower howse to meet wᵗh vs in a conference about this good and godly bill for the keepinge holy of the Sabboath day: My Lordes doe comend you for your religious care and giue you thankes for the offeringe the same vnto them; and as it concernes the glory of God, soe in presentinge it in the first place and wᵗh a speciall recomendacion vnto vs. The keepinge holy of this day is a duty that much concernes vs, none of God

his Commaundm^ties havinge a *Memento* before it but this as a note of the greatnes of this duty. And we read in the Scriptures (as Ezekiell saith) that God punished his people for nothinge more then the neglect of sanctifyinge his Sabboath. I beseech you conceiue not that though some Lordes spake against partes of the bill they dislike it, for I assure you they are most gladde to imbrace it.

Mr. Secretary.

My Lordes: We haue noe authoritye from the house to argue the matter but to report your Lo^pps exceptions against the bill.

Vpon Satterday at night a messenger of the chamber came to my lodginge to will me to be at the Parliam^t house w^th my robes by 8 a clocke in the morninge which stayed in the paynted chamber; the Judges came up in their scarlett robes and stayed in the drawinge chamber. The commission lay vpon the table in the Parliam^t howse and the formes set for the Comissioners to sitt on.

Munday the sixt of June.

Lo: Chancelor.

My Lordes: As your Lo^pps haue bene pleased to giue me leaue to make diuers motions vnto you, soe I beseech you to beare w^th my troblinge you for one more. His Ma^tie havinge called the Parliam^t the fifte of Aprill last, as by his writtes vnto you you well knowe, in whose power it is only to call a Parliam^t, beinge a soueraigne prerogatiue belonginge to the Crowne, soe findinge that your Lo^pps and the lower howse, havinge sitten full eight weekes and nothinge done in that busines nor likely to be done for which he called it, diuers rubbes cominge in the waye and hindringe that busines, in his gracious and princely wisdome for causes best knowne to himself sees it good to dissolve the same and to that purpose hath granted his comission made vnto diuers selected persons of this house, which is to be executed this day. Yet if your Lopp^s expectinge to heare from the lower house doe thinke it fitt to haue the readinge theirof forborne this day, the w^ch if my Lordes the Comissioners thinke [fit] they may forbeare the readinge of, I shalbe well contented w^th. For I should be very sorry to see the Parliam^t breake vp in this fashion and the Kinge and people thus to part w^thout eyther receivinge satisfaction and the Kinges necessityes lefte vnsupplied.

Lo: Chamberlyne.

My Lordes: I make a question whether we can forbeare the execution of the comission.

Lo: of Southampton.

My Lordes: I thinke if your Lopps that are Comissionars would be pleased to retire your selues then it would be soon resolved whether you may forbeare the readinge of it this day. For I conceive that it noe way concernes the house but those that are Comissionars to resolue in that point, for they knowe the Kinges pleasure.

Some other lordes spoke to this purpose, whervpon it was resolved and soe done, that they Comissioners went into my Lo: Chauncelors chamber where they stayed above an houre before they returned againe to the howse, and them [then] my Lo: Chauncelor deliuered that my Lordes the Comissioners would presume soe much vpon the Kinges favor, if we would haue it, as to forbeare the readinge of the comission that day, which he said would be void and must be renewed againe after this day.

Herevpon a message was sent downe vnto the lower howse that although we had in our house his Mates comission for the dissolvinge the Parliamt that day yet hopinge they would enter into consideracion of this weighty and great matter of his Mates supplie, my Lordes the Comissioners would forbeare readinge of the same vntill the morrowe.

The answere to this message by our messengers the Masters of the Chauncery was this: That they had entred into consideracion of the message and would returne vs answere presently by messengers of their owne.

The message from the Lower Howse by Sr Geo: Moore.

May it please your Lopps: Wheras we have received a message from you that his Matie hath granted his comission for the dissolvinge of the Parliamt this day vnto certain selected lordes of your howse yet his Matie hath by a letter made known his pleasure vnto vs thus: That he will not dissolve this Parliamt vntill to morrowe the 7th day of the moneth and in the meane tyme they both haue and will enter into consideracion of this waighty matter concerninge the Kinges supply.

After we had satt 2 howres at the least (expectinge this daye to heare from them againe) my Lo: Chamberlyne vttered this speech.

Lo: Chamberlyne.

My Lordes: I thinke that the Knightes, Citizens and Burgesses of the Commons House of Parliament knowinge that the Parliamt is to be dissolved doe sitt the longer to consider what to giue the Kinge, for if they would giue nothinge we should have a speedy answere.

After three howres if not fowre tarryinge and they not coming vp againe to vs, we sent messengers, perceivinge they had satt soe longe, to let them knowe we thought we should haue heard from them againe this day, w^ch seinge we did not we would adiourne our howse vntill the next day in the after noone at two of the clocke, and then did let-them know we expected their answere.

After our messengers were gone the Lo: Morley and the Lo: Eure his men were broughte vnto the barre and the persons at whose sute it was, w^th the serieantes that arrested them, and vpon the full hearinge of the matter it was ordered by the house that the matter should be referred vnto a Justice of the Peace in Middlesex (whose name I doe not remember) to inquire the truth of the debt which was denied.

The Lo: B. of Durham and the Lo: Danvars exeused for their ill health.

Lo: Chauncelor.

My Lordes: It seemes by the lower howse longe stay they meane not to come vnto vs this day and theirfore what is your Lopp^s pleasure: whether to sitt still and expect them or to adiourne the house?

My Lord St. John renewed the former motion that we would send downe vnto the lower howse, seinge we had expected [their] coming all this while, and that we would adiourne the Court vntill to morrowe and then expect their answere.

This was soe resolved, and two of the Masters of the Chauncery sent downe vnto the lower house, but before their returne the house was adiourned vntill Tuesday in the after noone.

Tuesday the 7th of June at 2 of the clocke in ye afternoon.

As soone as we came we went to prayers and satt some howres after expectinge their cominge, and seinge they came not we sent messengers to them to let them knowe that the Kinges comission was come vnto certaine lordes of our howse to dissolve the Parliam^t; yet after his message we satt an howre, about which [time] secret intelligence by some of the lower howse was brought that they resolved to giue nothinge vnles they might be hard and their greivances relieved. My Lo: Chamberlyne gaue vs warninge to put on our robes, which we went out to the paynted chamber to doe, and after we came in againe and had satt a little we sent downe a message that we desired them to come to vs, at which tyme they should vnderstand from vs his Ma^tes pleasure. Presently after the House of Commons came vp vnto vs, we being all sett in our places, and the Lordes

Comissionars all vpon one forme crosse the howse w^th their backes to the cloth of estate, the Arch B. of Cant. in the middle, the Lo: Chauncelor on the right hand, the Arch B. of Yorke on the other side, then the Earle of Nottingham, Lo: Admirall and the rest of ye Comissionars on each side in their order.

Lo: Chauncelor.

My Lordes haue sent for you the Knightes, Citizens and Burgesses of the Lower Howse of Parliam^t to heare his Ma^tes comission read for the dissolvinge of the Parliam^t.

Sir Geo. Coppin, Clarke of the Crowne, read the commission, which was vnder the Great Seale of England and *verbatim* accordinge to this coppy.

The commission follows in Latin, as in Lords' Journals, ii, 717.

After this commission was read my Lo: Chauncelor uttered his speech followinge.

Lo: Chauncelor.

You the Knightes, Citizens and Burgesses of the Commons House of Parliam^t haue heard his Ma^tes comission read this seaventh day of June for the dissolvinge and annihilating of this intended but indeede no Parliam^t and we the Comissionars accordinge to the authority aforesaid giuen vs doe declare and pronounce this to be noe Parliam^t but dissolved and annihilated as though noe such thinge had ever bene. And soe God Save the Kinge.

Note that as ye Comissioners were named in it they stoode vp and were bare headed, both then and at this my Lo: Chauncelors speech.

After this we rose and went and put of our robes.

The names of those Lordes that were present this present Parliam^t begon the fifte of Aprill and dissolved the 7th of June next followinge 1614.

Archiepiscopus Cant.
Dominus Thoma[s] Ellesmere Canc.
Archiepiscopus Ebor.
Ca: Comes Nottingham Magnus Ad^ll et Sen^ll.
Tho: Comes Suffolke Camera[rius] Hospicij.
Gilb: Comes Salopiæ.
Will: Comes Darby.
Ed: Comes Wigorn.

Proxie Meneuen: proxie Norwicen, proxie Hereford, proxie Bangor, proxie Sarum, proxie Carliol.

Proxie Phi: Domini Wharton, proxie Willimi Marchionis Winton: proxie H. Comitis Lincoln, Proxie H. Comitis Cantiæ.

Fr: Comes Rutland.
Fr: Comes Cumbriæ.
Ro: Comes Sussex.
Henr: Comes Huntingdon.
Proxie Ed: Comitis Bedford. Henr: Comes Southampton.
Will: Comes Pembroke.
Ed: Comes Hertford.
Rob: Comes Essex.
Ri: Comes Dorset.
Willelmus Comes Sarum.
Thom: Comes Exon.
Phi: Comes Montgomery.
Lodoui: Comes Richmond.
*Proxie Phi: Domini Wharton. *Ro: Comes Somerset.
23 Ro: Vicecomes Lisle.

Meneuen: Bangor. Episcopus London.
Sarum. Episcopus Dunelm.
Episcopus Winton.
Episcopus Exoniensis.
Episcopus Peterbrugh.
Episcopus Landauen.
Episcopus Bristoll.
Episcopus Oxoniensis.
Episcopus Assaphen.
Episcopus Cestrensis.
Menuen: ——— Episcopus Elien.
Episcopus Lincoln.
Episcopus Wigorn.
Episcopus Glocestren.
Norwicen: Hereford. Episcopus Bathon and Wellen.
Episcopus Roffen.
Episcopus Cicestren.
18 Episcopus Coven: et Lichfield.

Dominus Bergauenny.
Dominus E. Zouche.
Dominus Ro. Willughby of Erresbye.
Dominus Tho. La Warre.
Dominus Rich. Dacre.
Dominus E. Morley.
Dominus E. Stafford.
Dominus Emanuel Scroope.
[Dominus] Jo: Darcye et Menell.
Dominus Will: Mounteagle.
Dominus Tho: Windsor.
Dominus Tho: Wentworth.
Dominus Ra: Ewre.
Dominus Ro: Riche.
Dominus Will: Willughby de Parham.

Dominus Edm. Sheffeild.
Dominus Will: Pagett.
Dominus [Thomas] Darcy de Chich.
Dominus Will: Howard de Effingham.
Dominus Dudley North.
Dominus Greius Chandos.
Dominus Jo: Hunsdon.
Dominus Oli: St John.
Dominus Will: Compton.
Dominus Fran. Norrys.
Dominus Theo: Howard de Walden.
Dominus Will: Knollys.
Dominus Ed: Wotton.
Dominus Fr: Russell.
Dominus Will: Petre.
Dominus Hen: Danuars.
Dominus Tho: Gerrard.
Dominus Rob: Spencer.
Dominus Rich: Say and Seal.
Dominus Ed: Dennye.
Dominus Jo: Stanhope.
Dominus Geo: Carewe.
Dominus Tho: Arundell.
Dominus Will: Cauendishe.
40 Dominus Tho: Knyvett.

81 present.

The names of those Lords that were absent and that had proxies, but all the proxies were not come in before the Parliam^t^ ended.

Hen: Comes Northampton D.C.P.S.
Will: Marchio Winton.
Hen: Comes Oxon: Magnus Camerar:
Tho: Comes Arundell.
Henr: Comes Kantiæ.
Will: Comes Bathon.
Ed: Comes Bedford.
Hen: Comes Lincoln.

Vicecomes Mountagu.

Episcopus Meneuensis.
Episcopus Carliol.
Episcopus Sarum.
Episcopus Bangor.
Episcopus Hereford.
Episcopus Norwicen.

Md. that the Lo. Berkeley is under age.

Dominus [George] Audeley.
Dominus Ed: Clinton.
Dominus Ed: Dudley.

Dominus Ed: Sturton.
Dominus Hen: Herbert.
Dominus [William] Sandes.
Dominus Phi: Wharton.
Dominus Fr: Norrys.
Dominus Hen: Grey de Grooby.
Dominus Ger: Clifton."

(iv) FEB. 6, 1620[-1].

"Lords named and appointed committees to take consideration of the customs and privileges of this House."

The Archbishop of Canterbury; Viscount St. Albans, Chancellor; the Earls of Worcester (Privy Seal), Oxford (Great Chamberlain), Pembroke (Chamberlain of the Household), Arundel, Huntingdon, Southampton, Suffolk, Dorset, Northampton, Warwick; the Bishops of Durham, Winchester, Peterborough, Hereford, Coventry and Lichfield, Lincoln; the Lords Zouch, Scroope, Dudley, Darcy de M[einill], Wentworth, Sheffield, Paget, North, Chandos, Hunsdon, Danvers, Spencer, Say, Denny, Carew.

They are to call to attend them as they shall see cause the Lord Chief Justice of the King's Bench, Mr. Justice Dodridge, Sir Randolph Crew, serjeant-at-law, and Mr. Attorney General, and such other of his Majesty's learned counsel as they shall think fit.

Subcommittees named by the lords committees and by the House allowed for the expediting and facilitating of the business:

The Earls of Huntingdon, Dorset and Warwick; the Lords Sc[r]oope, Wentworth, North, Hunsdon, Russell, Haughton.

The lords subcommittees have granted warrants to search for the privileges of the peers of the realm and lords of Parliament to these gentlemen whose names are hereunder written:

Mr. Hackwell, Mr. Selden, Mr. Kneveton, Mr. Lassells, Mr. Vincent, Mr. Le Neve, Mr. Pullye.

(v) [? FEB. 8] to FEB. 14, 1620[-1].

"'. . . Although bishops be no peers of the realm, yet they be barons of Parliament, having baronies of land granted them when the King makes them bishops.'

"Lord Chancellor.

"'My Lords, whether the latitude of these orders are such as they need not be amended but kept inviolable according to the laws of the Medes and Persians I understand not, but rather conceive it is your Lordships' meanings that they may be altered either by adding, diminishing or interpreting till they be fully finished and made an Act of this House, the lords committees sitting for these privileges during this Parliament.'

"After all this dispute whether it should be put to the question that these orders should be entered or not till the

committee had fully perfected the work, it was put to the question and the most voices overruled that these things should be entered as orders but not as yet the Act of the House until that they were fully finished.

" The bill of ordnance the second time read and committed.

" Lord Chamberlain.

" ' My Lords, I observe two things in this bill which for my own part I must tell your Lordships truly I like not, the one that it makes the punishment as great for him as carries over ordnance or is privy or witting thereunto as in high treason, and for my part I would have the punishment agreeable to the offence ; the other that the punishment is taken from the High Admiral and given to the King's Bench or to the Judges of the circuits to inflict punishment.'

" Lord Treasurer.

" ' My Lords, I never since I knew Parliaments read of such a bill. Since I had the honour and trust from his Majesty of this staff I have looked into the merchants sending over both of ships and ordnance, but to limit the King in this manner, which makes it seem strange unto me, many other errors there are in it and therefore I think fit it be committed.'

" Thereupon it was committed.

" The bill of reforming unserviceable arms second time read and committed unto the same committee as the former, saving the addition of all the Lords Lieutenants.

" A bill for the naturalizing of Sir Francis Stuart, William Stuart, James Maxwell, gentleman of the Order of the Garter, and William Cave.

" Friday Star Chamber day.

" Saturday the 10th of February 1620.

" A bill read the first time for the confirmation of the sale of some of the lands of Edward Walgrave.

" Walgrave's petition,[1] one of the Petty Bag Office that drew the writs and left out the style of the Barons, viz., *predilecto et fideli nostro*, read and upon his submission and penitency the House was contented to release his imprisonment.

" *Note.*—" The House was called to see who were present and who absent that it might be seen who had proxies.[2]

" Monday the 12th of February 1620.

" The bill of making the arms of England more serviceable brought in by the committees and the senior of the committee made the report ; the amendments were twice read.

(1) *Recte* " Cammell's petition." See *Lords' Journals*, iii, 14.

(2) *In the margin* :—" Note the Prince sat in the [House] this day and was called and answered to his name as a peer."

" Lord Chancellor.

" ' My Lords, I understand it hath been the manner of this House that when a bill hath been committed and brought in with the amendments my predecessors[1] had wont to open it thus: Betwixt the word " of " in the 10[th] line and the word " and " put out all the words and put in the words " and all "; thus, my Lords, here was nothing but chopping and changing of words which sounded harshly and not the sense set down, so as I have caused it to be written, which if your Lordships like the words before and after that you may [understand] the sense of the place.'

" This was better liked of and the amendments[2] in a paper joined to the bill so written and read.

" Lord Chancellor.

" ' My Lords; I conceive this bill hath a large scope and good intention for the making of the arms of England more serviceable, which I doubt not but are reasonable good already, so many addresses having been from the Council Board to the Lieutenants in each several shire. I hope this Parliament will yield to the King both for the regaining of the Palatinate and the relief of his Majesty's necessities a good crop and therefore I would not have the ground worn out with other payments, for the fertilest ground will be made barren with often tilling; therefore I could wish that where these arms are commanded to be made perfect by Michaelmas next, the fruit of the people's love and duty might not be reaped for this crop till Michaelmas come twelvemonth.'

" Earl of Arondell.

" ' My Lords; I think your Lordship hath moved very well, but this is not to make new arms until the old be out of use and unserviceable, but my lords the committees did consider hereof and what arms is thought fit to be allowed is left unto the Lords Lieutenants.'

" Lord Treasurer.

" ' My Lords, I think as my Lord that spoke first it were best to have time given until Michaelmas come twelvemonth to have the new arms to be bought, for the people at this time have many charges upon them, and the rate of their cattle and corn bears a very small price. I conceive there are diverse statutes already made for the supply of the defect of arms and for the former causes aforesaid I wish that as many of them as may be may be made serviceable and answerable to such as have been allowed in former times.'

(1) *In the margin*:—" Note that where my [Lord] Chancellor had wont to read those amendments to save his trouble and pains the Clerk of the House now reads them."

(2) *In the margin*:—" Note the amendments are never interlined in the bill but only marked where it shall come in but written in a paper by itself pinned to the bill."

" Lord Steward, Earl of Richmond.

" ' My Lords, I am of opinion that this bill is well as it is, and better it were a new bill were put in to the House than to clog this with any other matter or to express the repeal of the former Acts in this.'

" After this dispute it was put to the question whether this bill should go as it is to be engrossed for the third reading or recommitted. It was put to the question and there were 43 that gave their contents to have it recommitted and but 23 that said not content and that would not have it recommitted.

" My Lord of Essex counted the not contents that sat and I the contents that stood up.

" A bill read the second time for the naturalizing of [*sic*] Leiours.

" The bill of Charles Walgrave for the confirmation of the sale of the Manor of Pinhowe in the County of Devon second time read.

" Lord Archbishop of Canterbury.

" ' My Lords, I think in a bill of this nature it were good to have it committed; that if there be any in remainder or can challenge any title in this land they may be heard with their counsel.'

" Lord Chancellor.

" ' May it please your Lordships, this bill hath been so thoroughly scanned that I think all parties are agreed, for this is but to put a new piece in an old garment, for the former Act in *septimo* of the King gave him leave to sell this land and this is but to confirm those sales and to explain the former bill.

" Tuesday the 13th of February Star Chamber day, being the day next after the end of the term.

" Wednesday the 14th of February 1620.

" My Lord Chancellor excused my Lord Chamberlain's absence by reason of his attending the King late yesterday night at the mask at Court."

(vi) April 13, 1621.

Lords subcommittees present: Earl of Huntingdon, Bishop of Durham, Bishop of Coventry and Lichfield, Bishop of Bath and Wells, Lorth North.

The oath for clerks employed by the Clerk of the Upper House of Parliament, either in the House or in the office where the records of Parliament are kept: (1) the Oath of Supremacy; (2) the Oath of Allegiance. Then the oath following: " You shall swear that with faithfulness and secrecy you shall serve

in the place wherein you are employed as an underclerk to the Clerk of the Higher House of Parliament, neither shall you discover or report to any person or persons (not a member of that House) anything that you shall hear in that House or read in the journal book."

" The like oath (*mutatis mutandis*) to be to every other officer particularly, viz., the Gentleman Usher and his servants that attend ; the yeomen of the House.

" A memorandum for an order to be taken that during the House sits none may come to harken at the doors ; and that the retiring rooms may be kept clear for committees and the lords only."

B. 1670 to 1695.

Note :—Those items distinguished by an asterisk are in the handwriting of Theophilus, seventh Earl of Huntingdon, and are apparently either drafts of his own speeches or notes taken during debate. In both cases the form and general appearance of the manuscripts point to their having been made in the House itself.

(i) March 26, 1670 : The Conventicles Bill.

" My Lords, though what I shall say may (I believe) prove unavailable, yet I think it my duty to discharge my conscience in what seems (in my poor judgment) to be conducible to his Majesty's service, doubting the severity of this bill may prove otherwise, by exasperating people's minds too much. We cannot tell what disturbance it may produce, yet to say truth, this sort of poor harmless people seem to aim at nothing but the enjoyment of their tender consciences, but a worm when trodden on much will turn again, nature prompts us to a defence of ourselves, and it is rumoured abroad most of the common people of the nation, at least most traders in corporation towns, are so addicted and troubled with this squeamishness of stomach, which I hope may bring forth no ill effect but that they may still with patience submit to what punishment soever the law shall inflict upon them, as they ought to do and hitherto have done in keeping their nice scruples to themselves, and not make *læsa patientia furor*. However (my Lords) it's prudence to apprehend the worst the better to arm ourselves against any inconvenience that may happen, which may enable us likewise to prevent it, but this is setting up an Inquisition amongst people of the same religion, and was in some kind as severe as that of Spain before your Lordships moderated it, yet in some respects it may be said to be more allowable because it only punisheth those of a contrary religion, this, people of the same faith that differ only in circumstantials and the exterior part of worship, which I think none will deny but are things of indifferency in themselves. I must needs own myself a bad advocate for these conventicles who ne'er was at any of their

meetings, nor mean to be; I scarce know what it means unless saying of grace and the like before and after meat be esteemed a conventicle, as I suppose it must, if nothing must be done but according to the Liturgy; so far am I from countenancing of them as that I have the Common Prayer constantly said in my own private family. 'Tis only the compassion of my nature (if I may so far applaud myself) pitying all that are in misery. But (my Lords) those they call Presbyterians were esteemed very instrumental towards the King's happy restoration, and though it may merit no compensation (it being their duty so to do) yet surely it may expiate any former failure that may have been laid to their charge, as to let them enjoy that liberty which no doubt his Majesty would give them, as some lords the other day hinted his letters from Breda and declarations since have done, were he not bound up by such Acts as these, for his power in ecclesiastics was never so limited since the Reformation as by them. Could they resort to him in such emergencies they need no better asylum than to fall into the hands of so merciful a prince, but if this be made a law, unless this proviso remedy it, it will not be in his power (I am sure) to give them any redress, and though I am glad it's like to pass because it may do some good, but I do not think it will prove of that efficacy as some seem to apprehend, for certainly there are several enacting clauses in this bill that can no way be evaded. Nay, my Lords, if they were wholly left to these reverend prelates, their piety, sure, will make them so compassionate of their weak brethren as not to grudge them milk since their weak stomachs will not let them digest strong fare, but say also with St. Paul, if eating of meat offend my weak brother I will not eat flesh whilst I live rather than be an occasion of his stumbling. An over scrupulous conscience is certainly an error of the right hand, for should I compel any one either for fear of punishment or hopes of gain to do anything which I knew was against his conscience, though I myself be assured he might lawfully, yet knowing he scrupled it I should be accessory to his sin, which I believe none of these worthy bishops will deny: were it left to them, their prudence is so great as to distinguish betwixt those who do it merely out of conscience and not out of faction, for factious spirits merit no favour but all rigour imaginable, no punishment (I think) can be too great for such. Let not others therefore undergo the same condemnation who, you see, have been quiet ever since his Majesty's coming, and never offered to disturb either Church or State but only desire to enjoy their nice scruples to themselves without molesting of any. And sure there ought to be a distinction made between the moderate Presbyterians and such ranting Quakers as the Duke of Richmond and some other lords mentioned the other day; in this bill all is alike. Perhaps one of their scruples may be (I mean not any of the quaking race) bowing at the Altar, a thing not enjoined by law but expected

one should do. They may be of the Jesuit's mind whom my Lord Schidmor's [Scudamore's] chaplain (when he was Ambassador to France) carried to see our service performed in his chapel there, and commending the decency of it asked him how he liked it. 'No,' saith he, 'for you accuse us of idolatry for bowing at the Altar where we believe the real presence to be, and you that believe no such thing must needs bow there only to a piece of wood; are not you then guilty of much greater idolatry?' Whether those kind of people be of that Jesuit's mind I know not. But to conclude, if the bill pass I wish it be not too great a distraction to trade by sending more of these men beyond sea, many being already gone, as to disenable the City from lending his Majesty money upon this new money bill. Therefore I move that it may not pass but those tender conscienced men be left wholly in the power of those reverend prelates in their several jurisdictions, who no doubt will show mercy where they see cause and punish the factious suitable to their merits, which is my humble motion."

*(ii) [1676-7].

"My Lords, the security of the Protestant religion is the subject of your Lordships' present debates: the title of your bill doth express wherein it consists, by the education of the children of the royal family, and by providing for the continuance of a Protestant clergy. To the latter it is not seasonable now to speak, neither will I say anything of the undecency of tendering such an oath to sovereign princes, only give me leave to say that as extremes do meet, so this seems to me to come very near the Roman supremacy, since you settle in the primates and prelates of the Church a power of collation to benefices and investiture of bishops in exclusion to the King, so that by this bill we shall in effect erect an ecclesiastical commonwealth, and how great the mischiefs and inconveniences are which will arise here might I think with little difficulty be made out, were your Lordships on this subject.

"But, my Lords, that which I shall speak upon is your present paragraph, which is concerning the education of the children of the royal family, in whose preservation will consist the peace, happiness and security of this flourishing monarchy.

"It has been said there is nothing new under the sun, but if there be, this is it. To take a royal infant at nine years of age from the custody of tender parents, from his sovereign lord the father of his country and father to it, from an illustrious education, from magnanimous and heroical exercises, to be bred with an Archbishop of Cant[erbury] and Yorke, who though at this time worthily fills [*sic*] the metropolitan chairs, yet let it be considered we owe it to the King; but when a King shall not choose them, but a faction amongst the bishops shall prevail, and a man unworthy shall be primate, when a *Quid dabitis* shall be a qualification for such a dignity and men shall

give more to be pricked for bishops than has been given to excuse sheriffs, and when the basest of the people shall be made priests, what shall we expect from such governors? How will our princes be instructed in military affairs, in maxims of state and [generous entertainments][1] great things, when none shall be chosen about their person but such as clergymen shall nominate? Surely then will our queens speak Greek and Hebrew. But above all I beseech your Lordships consider the security of their precious lives, of their health and safety, when perhaps no access may be had to them and they exposed to the avarice and ambition of the next [successor][1] heir. We have had a Protestant Archbishop of Canterbury guilty of high treason, and I think one of Yorke, in your remembrance. What has been may be. My Lords, let us not distrust God, let us not proceed contrary to the laws of nature, but take a more gentle and moderate course; that the royal children may be educated with the King their father within thirty miles of London, and none to be about their persons but such as shall be approved of by the Lord Archbishops, and this is my humble motion."

*(iii) [? 1677].

"My Lords, I am sorry to find that Christian religion, which ought to be the bond of unity, should be the occasion of discord and division, and that after so many Acts of Parliament, after so many laws made for the preservation of religion, you should find it on such unsettled foundations as requires a further security. Do but reflect, my Lords, on what you have done, and what you have attempted to do, and certainly so great and discerning judgments as your Lordships' will not think that safety is grounded in cruelty or that no security can be without an extirpation.

"Do you fear the authority of the Bishop of Rome to derogate from and weaken the King's authority? Is not that fully and well provided for? Doth not 5 Eliz. well secure that, when for maintaining thereof the first offence is præmunire and the second no less than high treason?

"So also by 13 Eliz. it is no less than high treason to be reconciled to the Church of Rome or to obtain any bulls to that effect; and by that Act it is præmunire to bring or receive any relics, crosses or other things which they use in their devotions. By 23 Eliz. it is treason to withdraw any person to the Romish religion as well as to be withdrawn, and grievous fines, and for hearing their service, and for their poverty as well as their refusal, no less than a year's imprisonment.

"Do you fear that by the coming of Jusuists [? Jesuits] and seminary priests into England, is not that high treason and the receiving of them into their houses felony? Are you apprehensive that the youth of the nation may be seduced by

(1) Deleted.

going beyond sea ? Is not that restrained by grievous penalties? And are not all trusts declared void by 29 Eliz. that do evade the penalties of those who refuse to repair to church ? In short, are not all possibilities of enjoying offices of trusts, public offices of honour or profit, guardianships, executorships, trustees, debarred them unless they undergo that criterion, that distinction of abrenunciation of the real presence in the Sacrament.

" What are your fears, what are your apprehensions ? Why will you make the world imagine such danger from an handful of men, who are loaden with penalties, who are under the terrors of death and excluded from all that can let them in, into places of honour or profit ? And certainly if ever that rule were true, *dimidium plus toto*, it is here, since one half in show and another half in reserve is more than the whole in declaration. For gladly would I see demonstrated the greatness, the formidableness of the Roman Catholic party in England, and not to persist in a vulgar error.

" Will your Lordships be inexorable ? Shall neither the loyalty of the Papists in all times, serving the late King and the King that now is with their lives and fortunes, nor yet their submitting to all the sureties with the greatest modesty and moderation imaginable, move your Lordships if not to indulge them yet at least not to lay heavier burdens on them, which neither they nor their fathers have borne, and for which no further reason can be given, but such is your pleasure ? The bill now read destroys property, the property of the subject ; for what can be more severe than [that] a man barely for holding an opinion should undergo those penalties which this law doth impose and that clearly with an [? im]possibility of indulgence ? For either they must do that which is against their conscience or they run under the penalties of a Papist convict, which are such that, if they were strictly executed, it would force all of that way into banishment, so violently would these proceedings [*sic*], and how agreeable that would be to piety and suitable to" *Incomplete.*

*(iv) [1677].[1]

" If his Majesty had not with all expedition imaginable since the first resolutions of a war been fitting out the fleet and raising forces for the defence of the kingdom and preservation of Flanders, then I do confess this address would have been most seasonable.

" But since the King has given all the demonstrations as could be expected of his zeal in prosecution of this war, and those in such solid instances that the whole nation cannot but remain perfectly satisfied, I hope your Lordships will not find it proper to proceed in this matter.

(1) Addresses were presented March 15, 1676-7, and March 29 and May 25, 1677.

" Is it agreeable to common prudence to make war before we are in a posture of offence and defence ? Is it for the safety of the kingdom to make war with a prince who has a great and experienced army in the field, and a fleet at sea, when we have neither ?

" Is it not our interest and advantage to delay an open war till we are in a condition to carry it on ? Doth not the King actually send aid into the Low Countries, and that daily ? Shall not this be accounted a satisfaction for the allies ? And is not all these preparations out of the King's own revenue ? That which is a work of time requires time, and it is impossible to effect it of a sudden.

" My Lords, I beseech your Lordships leave it to the King, whose interest, security and preservation depends upon this war. We are not to dive into the inward secrets of State, and yet this is most notorious : that to make war with a prince who has a great army before we are in a condition to offend him or defend ourselves, I fear is so far from the security of the nation that it will render all the designs of this war unprosperous and unsuccessful."

*(v) DEC. 13, 1677 : " AGAINST the INCREASE of BUILDING in and about LONDON."

" As there is a symmetry of parts in the body natural, so ought it to be in the politic ; for if there be not a due proportion in human bodies, if the liver or any other part of the vitals be overgrown or extended, it necessarily produces a distemper in the whole body. But if the head be grown too big, so that the body sinks under it, it becomes monstrous. And that [that] is the case of the public is but too too [*sic*] clear, I mean in respect of the infinite quan[ti]ty of building of late erected about this town, and of which your Lordships has something in your considerations to prevent. It is of high consequence and has been the constant care of his Majesty's predecessors to prevent, I mean Queen Elizabeth and King James, when there was far less reason than now, for your Lordships well knows what new buildings have been since that queen's time and how each have grown up. How many proclamations, what informations in the Court of Westminster have been upon this occasion, nay, the subject of the King's speeches, and yet this kingdom as big then as now. If that the increase of building (which extends itself above seven miles in compass) is greater than many head cities in other countries by a [*sic*] part ; if that it has not only depoluted [*sic*] the country but begins to depopulate the city too, as has been formerly very rightly observed to you ; if that it is the receptacle of beggars, the nursery of idleness, the decay of trade and husbandry, the consequences of depopulation, if it be rendezvous of desperate and seditious persons and the seminary of treasonable practices, then I hope your Lordships will not think so indifferently of it. And above

all the City is grieved at it, and the country groans under it. My Lords, daily experience shows what infinite numbers of persons do weekly flock to this town to inhabit. If I should [say] more than a thousand, I believe it were within compass. Every idle person and [such as] will not work, every debauched person, all little tradesmen do [come] here in hopes of improving their trades, gets in a fourth story, which keeps 6 or 7 seven [*sic*] in family, and there gratify their slothful humour, whilst the women works by the day in the neighbour houses; or another sort gets into a victualling house and there shift for two or three years and at length run away and leave a house full of children to the parish. Whereas were there a restraint upon increase of building, there would not be that invitation to country people. There is a complaint of want of people in the country. There is complaint of trading and people in the city. Restrain building and then will the empty houses in the city be filled, and in the country industry would be encouraged, when he who could not thrive at a trade might serve his country in husbandry and tillage. From whence comes those vast levies for the poor of many 1,000*l.* a year, which are in the suburb parishes? What makes so many houses empty, and others not to bring in half the interest of their houses? Is trade improved? No. Doth not the merchants complain of it?"

*(vi) March 8, 1677[-8].

"My Lords, that Christian religion which should be the bond of unity and concord becomes the occasion of discord and division, I wish I could not on this occasion say with said [? which sad] reflections are this day verified, for what is the scope of this long bill now read? Not to repel argument with argument, but argument with force. The end of this bill is good, to prevent the growth of the Romish religion, but the means to attain that end are so ill and pernicious that former ages has not produced the like. For I apprehend it is an intrenchment in a high degree on the King's prerogative. It violates Magna Charta, the liberty and property of the subject and opposite to the principles of our religion.

"The bill takes away the greatest and most glorious prerogative the King has, that of clemency, the very *arcana imperii*. For judgment and mercy composes the harmony of government. The King is the *pater patriæ*, the defender, conserver and protector of his people, who watches over you and through whose administration do we all enjoy those blessings which hitherto we of almost all the world have to this day enjoyed, and [the bill] will take this from him which ought to be the subject of your joy and gladness. Has the King the power of giving life to the dead, to them legally dead, and will not you trust him with a power not of seizing of men's estates, but of remitting it to them again? Certainly *a fortiori* if you yield it in greater matters, much more in the less; if in life, much

rather in estate. If this were all, certainly your Lordships would not admit of it; but consider further what it is you take from the King. You will rob the King of what is his; you take his revenue from him. You may as well take from him the fines, issues and forfeitures that accrue to the King out of every county in England as this; and wherefore all this but for want of faith? You think not the King severe enough. Is this the fear? Is this sense? Is clemency the grievance?

"And is not this a law unknown, to add the utmost of penalties to small offences? Do not you make misdemeanours præmunires and worse, and do not you make felonies treasons? Is this that every man shall enjoy his own? Is not this persecution? Will you make a new punishment when there is not fresh offence? I do this day make the demand and desire to be answered, whether that there is any proof that the number of Papists are of late increased, and how many seek interest they have not, for the Act for preventing the Growth of Popery has sufficiently showed how disadvantageous it were for them to be of that religion, and then how few were concerned in that matter who lost employment for not being able to believe as the Act requires them—I might say not forty in England besides some younger brothers who were in soldiers [*sic*]: they are now purged of employments, and can this be agreeable to justice to confiscate their estates? What means this rule, *summum jus summa injuria*? Shall opinion barely [?] forfeit an estate? When in the late Act for Punishment of Blasphemy for saying that Jesus Christ is not God and the like you excepted particularly any forfeiture of estate, though made capital, and here for affirming the real presence in the Eucharist to be a forfeiture of estate. How the one is consonant to the other and whether the thread of justice seems to be stretched throughout I leave you to judge. Is not his Majesty king of all his subjects, and are not all the people of England under his protection? Why needs must the King proceed with that severity towards the Papists, who are men as well deserving from the King as most, and all that they desire is to enjoy what their ancestors left them, their property, which without a great violation to justice cannot be taken from them.

"And whether this way of proceedings, this rough paths [*sic*] wherein we go, and such courses wherein we proceed, have been equally weighed in the scales of justice, is agreeable to charity, to the catholic rule of doing as we would be done by, of loving our neighbour as ourselves, whether this is that spirit of gentleness which Christian religion doth direct, and whether these are those lasting foundations whereby we are to secure a durable peace and security, I submit to those reverend prelates in my eye, beseeching them to remember that corrosives widens [*sic*] the wound but it must be lenitives which must heal.

"Upon the whole, you abridge the King of his prerogative of pardoning, you question his prudence and advisedness. You take away a great part of his revenue. You make treasons of felonies and outlawries of misdemeanours. You punish opinion as you would do the most villainous actions. You bring in a dangerous example of confiscation of lands when men do behave themselves obediently to the government. You form a persecution by law. You make laws which were made to keep the King's subjects in due obedience to destroy them. You make the King but king of part of his people and will not admit of their oaths of due obedience. In fine, you make a law that was not before. You punish the child as well as the father. You weaken the nation now when it requires the greatest support and assistance, and all this when never fewer Papists and when none are in public employment. More may be said, but so much I have offered to you that I hope you will not proceed further in the bill, but reject it, which I humbly move."

*(ix) [? 1677-8]: "GROWTH OF POPERY."

"Speedy way of conviction: if any born within the King's dominions shall say mass or divine service or be proved guilty of high treason, nonesoever under the penalty of felony, unless reconciled to the Church, shall suffer pains and penalties accordingly.—Speedy conviction.—All constables, etc., shall twice yearly present all such as live or have estates there shall present them [*sic*], and thereupon return them to the Grand Jury, upon which indictment they shall be summoned. If they do not appear or do not take the Test, shall be accounted as a popish recusant convict.—'I, A.B., do believe there is no transubstantiation.'—Which renunciation shall be enrolled and kept upon record to be produced without fee.—All convictions in one county to be good in another.—Commissioners to take the pecuniary forfeitures.—No let or hindrance to take the forfeitures; full power to take away all benefits or means of escapes.—Penalty for officers.—All frauds of Papists void; all feofments to hinder the recovery of the penalties void; all conveyances void whereby [?] the Papists.—All estates of purchase not produced before the commissioners within six months and entered, deemed to be fraudulent and to defraud the commissioners.—All maintaining of suits in order to such to be maintenance, champerty: rewards to discovery.—No child or heir of popish recusants convict after eighteen shall claim lands, etc., till he take the oaths of the Test, viz., 25 Car. II, but shall go to the next heir, till he or his heir, allowing a fourth part.—After the heir shall take the said oaths, then he shall enter upon the same.—Provided if he shall return to be a popish [?] recusant he shall forfeit all again.—Reward to any persons to inform against a priest of 150*l.*; direction to the House to pay the same to the informer.—Trustees or guardians to popish recusants, Protestants to be

named by the Lord Chancellor.—Fresh penalties for fresh crimes.—If the Papist[s] do behave themselves, wherefore such dangers.—The King's subjects as well as others loyal and dutiful.—Their number not such, their resort not such as is complained of.—What remedy no possibility of dwelling here.—We are in a government to have regard to the politic part and by arguments to [*ends abruptly*]."

*(x) JUNE 12, 1678.

"Lord Purbecke.—Cause that of all peers.—Strange to see the act of a madman supported.—Precedent of H[enry] 3 times dangerous: excluding the peers.—E. Norfolke. E. Richmond. Holgate. E.[. . . ?]. E. Cambridge. E. Pembrooke. Beaufort. V. Lisle. L. Freshvile: attorney.—Law then not now. Inconvenience.

"Duke of Bedford.—Ld. Lawarr. Ld. Stafforde. E. Kent. Ld. Ogle, etc., fell to decay; waived summons, though recovered. Difference between a surrender and a fine.

"Dangerous consequence.—Below the dignity that anything should determine them but what attaints the blood.—Jealousy, poverty, malice, artifice.—The unusual manner of fines as it may be. For life to the party, etc. Remainder over to others. Displeasure of the prince.

"The nature of the thing.—Inherent in the blood.—Reducing them to yeomen.—Fine may be levied without the King's knowledge because advancing prerogative. No diminution to the Crown. Queen Elizabeth not the less when the peers were so great. It may annihilate the peerage. Selling honours: *Lord Roberts.*"

Perhaps notes by Lord Huntingdon for a speech on Lord Purbeck's case, which should have been discussed June 12 but was adjourned till June 15. See Lords' Journals.

*(xa) *Undated, but probably a continuation of the foregoing.*

"Ld. Roberts. Altering a fundamental privilege of the peers. Reverence to records. Fine made by an infant, a mad man; it is good. Level to the parity of a commoner. He should be guilty of condemnation [?].—Unworthy of wearing robes. Worthy to wear rags. Sending a bill to the Commons. Possibly pass. If it do not, a blemish to ourselves. A record lies against it. Insignificant if it be tried. Everyone [?] 12 there will not remain enough to judge. Way in ancient time. H. 3 blemished the honour of a peer received.

"L.P.S. It is a blemish to us to tell the peer he is suspected.

"L. Gerrarde. Anciently tried in Parliament. Peers as bad now as other men."

*(xi) Nov. 20, 1678 : BILL for disabling PAPISTS to sit in PARLIAMENT.

" I shall apply myself to the proviso concerning the Duke, which your Lordships agreed to so unanimously, though some of my Lords then and the House of Commons now do earnestly oppose. The agreeing to this bill has been the greatest instance my Lords could give of consideration for public safety, since they so apprehended it, *in parting with their inheritance, inheritances of the most valuable sort, by a new and unheard of example,* which even formerly in most dangerous conjunctures was never attempted to be done, and yet your Lordships are contented to pass such a bill, which cuts at your inheritances, and that of the most valuable sort, which doth exclude above twenty peers out of this House, is a test, conviction and banishment to all refusers ; so that it were most unjust to say what we have already done signifies nothing, since your Lordships' act herein is an instance of the highest generosity as can be given by such a departure, though I pray God we do not feel any ill consequences from such precedents. The honour, dignity, interest and comfortable being of his Royal Highness lies now before you ; it is from you, as he has been pleased to express, that he is to receive his doom : whether at one stroke you will exclude him from his seat in Parliament, banish him from the King's presence and put his revenue upon a forfeiture. And the consequence of all this, by being removed from this House and the King's presence, it will make so ill a sound at home and abroad, and thereby his Royal Highness will be deeply touched in honour, which he is so tender of, as every great man ought to be ; pardon me for saying it, for we must speak plain, it will be said that the Duke is a lost man, that the peers of England have given him up and his Majesty (because he would give content to his people like a most gracious prince) has deserted him. Give me leave to observe to you what this proviso doth not do, and what it does. It renders not the bill less effectual, for you will see not one lord who doth not comply with the Act to sit in this House, not one lord at Court, which are the two things provided for. Men will be as much discountenanced as ever, for they will see no possibility of coming to Court, no prospect of sitting in Parliament. Unless the Act is perpetual this proviso [during the Duke's life ?]." *Ends abruptly.*

Further notes on the same paper : " Making the bill no bill. Design to reduce men. Same opinion that lords would not take the Oath of Supremacy and that it was as full as the other. The proviso here relates to the most illustrious member of the House. One not dangerous. Deserved very well. The penalties great. A difficulty to the King, either to break a law or to express a hardship to the King's only brother."

*(xii) DEC. 2, 1678.

" An order to Mr. Sotocold to search in Berrey Street for four Jesuits and for papers.

" An information of Mr. Shadwell . . . [*sic*] concerning treasonable words spoken by James Linch, Archbishop of Tuam in Ireland, Lord Roberts being Lord Lieutenant of Ireland, by a peer [?] for saying the King was not safe in the army, for there was one [?] amongst them who would have his heart's blood, and were it not for the barbarity of it, would drink it afterwards. *This confirms the testimony of Mr. Otes concerning the Papist Archbishop of Tuam. But there being but one witness, he was acquitted.*"

*(xiii) MARCH 18, 1678[-9].

" On the report made by the Earl of Essex concerning the state of appeals and impeachment the last Parliament,

" L. CULPEPER moves to adjourn the debate till to-morrow.

" E. SHAFTSBURY : It will not bear a dispute, it would destroy the judicature.

" BP. ROFFEN : To read the report of 1673 wherein the reports of the House concerning receiving appeals in Dorell and Whithcote.

" L. CULPEPER : Question whether it were a perfect order because of taking it in consideration, it was ordered to consider of it and all the incidents, that it is rather a diminution than otherwise.

" E. SHAFT[ESBURY] : The committee consisted of thirty [? lords].

" The report is read."

*(xiv) MARCH 21, 1678[-9].

" Commitment of the Earl of Danbye.—Whether the articles contain treason or misdemeanours only, in either case commitment ought to follow and that it has been thus long deferred is no argument why not now.—You cannot declare it not treason because the proofs on the articles may clear the point, and then the Commons must debate, so that it is not proper till the trial. It is not necessary to have so exact an impeachment as indictment.—Credit of the Commons.—If circumstances can make it treason, in duty to his Majesty and obligation to the nation we are always to proceed with the great caution that [. . . ?] forthcoming, but because the fruit of this argument cannot be great.—Grant it to be misdemeanour only, I hope none will deny [. . . ?] commitment will follow. If the King can commit for misdemeanour. Your Lordships will not say, but you can and have . . . " *Various precedents cited.*

*(xv) MAY 13–16, 1679.

May 13.—" The Lords Spiritual have a right to stay in court in capital cases till such time as judgment of death comes to be pronounced."

May 14.—" The Lords Spiritual have a right to stay and sit in court till the court proceed to the vote of guilty or not guilty."

May 15.—" The Commons say if the pardon of the Earl of Danby infer life and death, it is the same with guilty or not guilty."

May 16.—" The Commons say the Lords Spiritual ought not to have any vote in any of the proceedings upon the impeachments against the lords in the Tower, and they say they know not how to proceed in capital matters before a new court."

(xvi) [Dec. 6, 1679]: ADDRESS to the KING.

" Sir, we are here to cast ourselves at your Majesty's feet, being ten of the peers of your realm of England, and in our own names, and the names of several others of our fellow peers, do humbly beg that your Majesty would consider the great danger your royal person is in, as also the Protestant religion, and the government of these your nations. We humbly pray that in a time wherein all these are so highly concerned, your Majesty will effectually use your great councils, the Parliament. Sir, out of the deepest sense of duty and loyalty to your Majesty, we offer it as our humble advice and earnest petition, that the Parliament may sit at the time appointed, and that your Majesty would be graciously pleased to give public notice and assurance thereof, that the minds of your Majesty's subjects may be settled and their fears removed.

" We whose names are hereunto subscribed consent and desire the Earl of Huntingdon to deliver our sense as is above expressed."

Signed: " Bedford; Will. Say and Seale; Huntingdon; Clare; Stamford; Shaftesbury; Rockingham; Kent; R. Eure; Holles; North and Grey; Chandos; Grey; Howard; Herbert; Delamer."

Endorsed: " The address of the lords to the King for a Parliament, subscribed December 6th 1679 and offered to the King the next day by word of mouth."

Enclosed in a paper endorsed: " First petition of the lords for a Parliament delivered 6 December 1679, with a copy of the paper found in King Charles' strong box after his death. . . Feb. 1684."

*(xvii) [Nov. 15, 1680]: BILL of EXCLUSION.(1)

" The constitution of the government is unalterable indeed by laws but no laws but are alterable by the government, for

(1) The Earl of Huntingdon was one of those who protested against its rejection upon the second reading. See *Lords' Journals*, xiii, 666.

government was before laws. Laws being made by the King with assent of the states, no alteration can be made of them but by their consents. So an Act to reduce the kingly power into that which is subordinate to it, or to take away one of the estates of the realm would not be law, for it were to destroy the constitution of the government.

"In this bill we are to *imagine* the concurrence of the whole body of the realm, the King's royal will to make it a law and the assent of the two Houses of Parliament. If there be not a plenitude of power in this body to regulate and determine whatever relates to a subject, it must certainly be very defective, and as a subject we are to consider the Duke of York, I say the Duke of York the Papist. The succession of the Crown is regulated by the laws of the land and the prerogatives which . . .[1]

"I shall not insist upon matter of divinity by which *jus divinum* the Duke of York pretends to succeed to the Crown of England, for you must show me from Scripture that it is kings and not government which is of divine right to which we are required to submit, and in the next place that limitation of the Crown to heirs general by succession is also of the same right, and both in exclusion of all other sorts of higher powers to which we are required to submit, and then all others would be anti-Christian. For else it can be no more sinful to exclude the Duke being a member of this House than to disinherit an infant or try the Duke for high treason, for the Duke is subject.

"There is not a man in this House, I am confident, who is for the passing of this bill who is not most zealous for the support of this monarchy and the King in his royal prerogatives. Neither will this divert the succession out of the right line; it is no more than if the Duke of York were naturally dead. It is no diminution to the King's majesty, it is to preserve his sacred person, which cannot be safe so long as there is hopes of his coming to the Crown. It tends not to confusion, for it is not of force till his Majesty has given his royal assent to it, and if ever the like is done it will be done questionless on as solid reasons.[2]

"The law of the land is the basis and foundation of this government. It is the security and bulwark for King and people. Now precedents warranted by law must guide us in this great debate. Government is of divine right, but the forms, qualifications and limitations are humane and various, and therefore to instance in monarchies, some are hereditary, others are elective, and those again entire or limited. So that, although higher powers is [*sic*] of the ordinance of God and therefore to be submitted unto, yet that one form of govern-

(1) The sentence is unfinished and the rest of the page is blank. The next two paragraphs are upon the opposite page, and appear to follow properly here.

(2) The following three paragraphs are upon the back of the page upon which the first two paragraphs above are written. They may very likely be an alternative commencement for the speech rather than a continuation.

ment is by the precepts of the gospel of Christ enjoined to be observed throughout the world, much less proximity of blood in the succession of magistrates, I absolutely deny: they are called the ordinance of man and are I say constituted and regulated by the laws of each country.

"What then relates to the rule of succession here in this kingdom we are to inquire.

"13 Eliz. I find an Act of Parliament entitled 'certain offences made treason,' which declares that 'if any one shall hold, affirm and maintain that the common laws of this realm not altered by Parliament ought not to direct the right of the Crown of England or that the Queen's majesty that now is with and by the authority of the Parliament of England is not able to make laws to bind the Crown of this realm'[1] The reason of this was clear; the Queen of Scots being a Papist, the hopes of her coming such to the Crown of England gave being to the practices of the Papists against Queen Elizabeth and the Protestant religion, as it is our case now. And because the Act of Parliament doth declare that the common laws of this realm not altered by Parliament shall direct the succession, as also that the Parliament may by statute direct the succession, I will give you an account of some laws precedent to this which this seems to refer to.

"*Parliamentum* 2*dum* 1 M[ary], c. 1, it doth declare that the regal power is invested in her according *unto the laws of this realm.* Item, *Parliamentum* 2*dum* 1 Mary, c. 2, upon the articles of marriage between Philip of Spain and Mary Queen of England, one is if she dies before King Philip without issue, then he shall permit the succession to come to them [to] whom by right and laws of the realm it ought to descend.[2]

"By the statute of 25 Henry 8, the marriage of Henry 8 with Queen Catherine is made void and the Crown limited to the children of Queen Ann Bullen. 28 Henry 8, c. 7, Queen Ann Bullen['s] marriage being nullified, the lady Elizabeth her daughter was declared illegitimate, and the Crown entailed on the issue of Jane Seamour. If the King die without issue of his body, he may limit the Crown to any by his letters patent or his last will in writing. 35 Henry 8, the Crown was entailed on Ed. 6 and his issue and for want or failure then to Queen Mary and after her to Queen Elizabeth. To the two statutes of 25 and 28 Henry 8 all men are sworn to the observance of them, which excludes Queen Mary and Queen Elizabeth, and by 35 Henry 8 they are discharged of the oaths. 35 Henry 8, the Crown is limited to Ed. 6 and his heirs, for want of such issue to Katherine Parr and the heirs of her body by the King, for want of such to Queen Mary and Queen Elizabeth, and for want

(1) Three blank lines in the MS.

(2) The next three paragraphs are upon the back of the page upon which the second and third paragraphs above are written.

of such to such whom the King by letters patent shall declare, to which all men are sworn and which is in force by Act of Parliament 1 Eliz. 3. And whereas they say Queen Elizabeth was not restored by Act of Parliament when she came to the Crown, it is answered that it needed not, for there was no attainder and 25 and 28 Henry 8 were repealed by Queen Mary's.

" For Henry 7, he had no right to the Crown by the laws of God or man. If the title of Lancaster were good, he was not legitimate, as being descended from the Duke of Lancaster by Katherine Swinford, or, had he been, the daughter of Ed. 4 was living, his own mother outlived him, and besides it doth not appear that ever there passed any Act to warrant such his government. So that the resolution of the judges in Henry 7, which was an extra-judicial way of proceeding, is no more applicable to this point which is a disability than to the usurpations of rebel or invader.

" The statute of Ed. 4 and Rich. Duke of York under Hen. 6 makes clear the authority of Parliament, for the Duke of York claimed the Crown by accord in Parliament. Hen. 6 held it conditional for life, and after his death it was to descend immediately to Richard Duke of York in exclusion of Hen. 6 son, and yet here was three descents and all this was before any battle fought.(1)

" The Act of restitution in blood of John Duke of Somerset, son to the Duke of Lancaster, restored him to all intents and purposes, succession to the Crown only excepted, whereby it appears plainly that Parliament might qualify that family to the Crown.

" Hen. 2 by authority of Parliament associated in the government Hen. his son into the regal power which without Parliament could not without being guilty of treason had [*sic*] been done.

" These are but some of the many instances which might be given, and indeed the laws of England were very defective if it did not reserve in itself such a latitude to secure the government according to the law of the twelve tables—*Salus populi est suprema lex.* I am sure the safety of the King's person and his government is superior to all. What signified the qualifications of Queen Mary, that in case she attempted anything against Ed. 6 that she should be excluded, if that there was nothing which could bind after the descent of the Crown.

" No uncertainty nor insecurity to the prince or government, since nothing can be done without the assent of the King. An heir apparent may be proceeded against, as the Chief Justice committed Ed. 1 when Prince of Wales. The laws are open against a subject and nothing more than precedency is due to the Duke of York. For the sake of religion, for the safety of the King, for the peace and security of the government, I must move your lordships to order this bill a second reading."

(1) The last four paragraphs are upon a separate sheet.

(xviia) *Apparently another draft of the latter part of the foregoing speech.*

" The law of the land is basis and foundation of this government, it is the security and bulwark for King and people. [Now precedents warranted by law must guide us in this great debate.][1] Government is of divine right, but the forms, qualifications and limitations are humane and various. In monarchies some are hereditary, others are elective, and those again entire or limited, so that although higher powers are the ordinance of God and therefore to be submitted unto, yet that one form of government is by the laws of the Gospel enjoined to be observed throughout the world I do deny; much less proximity of blood in the succession of magistrates. They are called the ordinances of man and are constituted by the laws of every country. What relates to the [laws][1] rule of succession in [each country][1] this kingdom we are to inquire.

" 13 Eliz. an Act intituled Certain Offences made Felony, which declares that if anyone shall say the common law not altered by Parliament ought not to direct the right of the Crown of England or that Queen Elizabeth with the authority of Parliament cannot [direct the][1] make laws to bind the Crown of England, then he shall forfeit, etc.

" The reason of this was the Queen of Scots being a Papist and the hopes of coming, etc.

" That the Parliament asserted this point from solid grounds I shall observe to you from sundry Acts.

" 1. That the succession is directed by the laws of the land in general and in particular instances specially.

" 1 Eliz., c. 3., the Act of recognition of the Queen's title to the Crown, has this remarkable passage,

" That Queen Elizabeth is in very deed and of mere right by the laws of God and the laws and statutes of this realm rightly and lawfully Queen.

" The same language is in Queen Mary's time, *Parl^tum 2^dum* 1 M., c. 1, that the regal power is invested in her according to the laws of this realm.

" *Idem*, c. 3, on the articles of marriage, one is if she dies before King Philip without issue, then he shall permit the succession to come to them [to] whom by right and laws of the realm it ought to descend.

" That this right of the Crown being directed by the laws and statutes of the realm by Parliament appears 1st under Henry VIII, 25 Hen. VIII, [Queen Catherine of Spain bastardized][1] Queen Mary [declared illegitimate][1] excluded, and the Crown entailed on the issue of Ann Bullen. In the preamble it saith that the cause of division and dissension within this realm is because no perfect nor full provision by law has been made; when doubts were raised to this title all

(1) Deleted.

were obliged to be sworn, as they were by Act [. . .] H. VIII, c. 2.

" . . . H. VIII Queen Elizabeth was excluded the Crown . . . limited to all the children by Jane Seamor and for want of such the King by his will might declare a successor. All men are sworn to this and discharged from their former oath.

" 35 H. VIII the Crown limited to Edward VI, after him to all the issue of Katherine Par, whereby Queen Mary and Queen Elizabeth are thrust down, and then to those two sisters, and then the King permitted to declare a successor. All men are sworn to the observance of this and discharged of the former oaths. This Act of force by 1 Eliz. 3.

" Queen Elizabeth needed no restitution, the 25 and 28 Hen. VIII being repealed 1 Mariæ.

" Henry VII had no title extrajudicial judgment Conqueror it may qualify [anyone][1] an usurper [*sic*]. This is a disability." *Slightly torn.*

*(xviii) [Jan. 14, 1685-6:] " MINUTES at the LORD DELAMER'S TRIAL in 1685."

" *Indictment.* 14 April at Mere with Lord Brandon to raise money and armed men and to seize Chester Castle. 27 May came from London to Mere to complete it, and on 4 June did at Mere excite men to war and rebellion.

" *Mr. Atturney.*—A design in C.2 time to raise a rebellion.

" A direction by Jones from the Lord Monmouth that the Cheshire men should repair to their country because Monmouth meant to land there.

" My Lord Howard a witness to the general conspiracy.

" *Lord Grey.*—All he has to say is hearsay. Lord Shaftsbury, Monmouth and Grey to gather; Monmouth to make a progress in Cheshire and advise with my Lord Delamer's father for a rising there.

" Mathews was sent from Monmouth to Lord Delamer and others to be ready for a rising.

" Craig sent likewise by Monmouth and discoursed Lord Delamer for a rising.

" The Duke of Monmouth did depend on a rising in Cheshire but did not land there but in the West because there were the Lord Macclesfield, Brandon and Delamer who could head a rebellion there.

" *Wade.*—Mathews' instructions to speak to Lord Delamer of a rising. Then came Craig from Wildmen to reconcile Monmouth and Wildmen. Monmouth landed and designed for Gloucester, also for Cheshire. Mr. Jones came over to Holland to invite the Duke of Monmouth over and he returned with the message to my Lord Delamer, Brandon and Macclesfield to be ready.

(1) Deleted.

" *Richard Goodenough.*—Mr. Jones sent to Lord Delamer from Monmouth that Delamer should secure himself and not be taken by the King. Monmouth said he hoped my Lord Delamer would keep his word.

" *Captain Jones.*—He went in April to Holland; told Disney of it, and Disney bid him tell Monmouth he should receive a letter from the cropt ear merchant and that he should go for Scotland and not England. Witness saw Pattsall. Jones came with a message from Monmouth to Mathews to desire Lord Delamer should be in a readiness so soon as Monmouth was landed and go into the country to raise forces for him. Instructions from Monmouth by Jones 22 May. Witness came from Holland and landed here 27, and acquainted Disney with the whole.

" *Samuel Storey.*—Brand told Story that Disney had been with my Lord Delamer and that two of Brand's friends had conveyed Delamer out of town by Enfield."

Endorsed as heading. See Howell, State Trials, xi, 509.

(xix) Nov. 17, [16]89: COMMITTEE of INSPECTIONS.

" Earl of Stamford.—Debate what questions to ask Mr. Hampden, whether of any other persons than those murdered.—Mr. Hampden called in.—Has leave from the House to come. Rejoice to see this day. Their blood cries for vengeance. It touched the council of six and they who were the prosecutors were the conspirators. After Lord Russell and Sidney were committed he H[ampden] was sent for into the cabinet council and there were present Car. 2, Gilford, Halifax. Examined by Lord Guilford and King Car. 2; sent to the Tower in close custody; saw none but his wife; was in prison 20 weeks. Lord Russell put to death; could say nothing of that, being then a prisoner; was to be tried for misdemeanour and being bailed and preparing for his trial, the Duke of M[onmouth] came in and in favour, and the Duke speaking freely some things at Duchess of Richmond that these men were unjustly put to death the King heard of it, was angry and obliged the Duke of Monmouth to sign a recognition of the plot. It was showed to H[ampden]: he said it would destroy him and others. M[onmouth] said he was persuaded and overborne by a great man, viz. *Lord Halifax.* This discourse Mr. Hamden had with Sir James Forbes. He said M[onmouth] said he was unfortunate and worse than any man. M[onmouth] desired his paper. Car. 2 said, 'I will give it you and will not keep it by force. But you shall see my face no more.' He took it. If Monmouth had not owned the plot, Sidney had not died. But it balanced with Car. 2 to execute him. Waler the poet told him so, but dead. After this he was sent to Newgate and was tried for misdemeanour and fined 40,000*l.* and imprisoned till he found sureties for the

good behaviour. After this at the marshal's house in the common prison; then prosecuted on the long writ, real and personal. After Monmouth's death, he was sent to the Tower and to be tried for his life. Then he was removed to Newgate in order to his trial. Money offered and was accepted, 6,000*l.* the sum, by Lord Jeffrys and others upon condition he should plead guilty to the indictment (1) because it could hurt none, (2) because there was no shame or craft [?], (3) it was no more than our ancestors informers did the like. At last let out. He lost his goods, his estate, his wife and reputation. He was ready to promote all things. He heard many were frighted and caught at it. He was one of the three to whom the letters and present transactions in summer 88 was taken.

" Lord Halifax asked whether he had not sent his wife several times to his lordship, (2) why he had sent to one who had done that which might have taken away his life.

" A[nswer]: He looked on that not more particularly on himself than forty more who might be involved in the same danger from Sidney's law. But he looked on it as the carrying on the design and not any particular prejudice he thought my Lord had to him.

" Lord Halifax asked whether he had not sent his wife to thank my Lord for his kindness in endeavouring to mitigate his hardships and save his life. Said he did verily believe it but could not positively say he remembered it. But disowns that my Lord Halifax had any of the money. Said he found no solid effects of his kindness, but desired my Lord Halifax to instance in what. Why he since that professed so much civility to the Marquess of Halifax; whether the Duke of M[onmouth] did not confess before he signed the paper. Sir James Forbes told him that the Duke of M[onmouth] said he was importuned with the utmost of importunity to sign the paper, but he was so pressed by the Marquess of Halifax to sign it.

" To the best of his remembrance he remembers none but the Earl of Radnor, but there were several others. The Marquess of H[alifax] asked whether he did not refuse to see Colonel Sidney in the Tower. An[swer]: That being newly bailed, his surety thought it safe for neither of them and that he should answer him by letter. A messenger told Hamp[den] that the Duchess of Portsmouth sent him word by Bishop Hall of Oxon that he could not take the money but that they had rather he should rot in prison rather than take the whole fine and release him.

" There was a letter writ to my Lord Mountagu at Paris explaining the sense of others that Monmouth's letter was designed as an evidence." *Cf.* State Trials, ix, 954.

*(xx) May 2, 1692.

" On Monday about seven in the evening 2 May 1692 when I was called in at the Secretary's office there was present

Whithall.

Danby	Devonshire	These with the Earl of Pembrooke signed the warrant for taking me into custody upon suspicion of treason directed to the serjeant-at-arms.
Dorsett	Rochester	
Sidney	Godolphin	
Seimor	Nottingham	

" Being desired to sit down, the Earl of Nottingham said : ' My Lord, I received a letter from your lordship. Is this your hand ? Is this enclosed the enclosed letter you mention ? '

" I answered in the affirmative.

Nott[ingham] : ' Wherefore did you at such a time as this desire to have a licence to go into France or St. Germains ? '

" I answered I always had a due regard to the observation of the laws and that as far as I could inform myself it was no offence to desire such a licence.

" My Lord Devon said that my reasons that induced me to it were not expected from me to give their lordships.

" I answered I thought that had been the question.

" *Danby* said he understood it so.

" I said that I could not other ways answer the question.

" Nott[ingham] replied, ' Your lordship need not stay longer.' "

(xxi) [? 1692].

" Lord Treasurer.—My Lords, this bill strikes at the root and will endanger the subversion of justice. It will take away the majesty of the King in regard the King is always supposed to be present in the King's Bench. It takes away the benefit of justice, leaving him open to insurity [?] ; divers incongruities in the bill ; also one point trenching into the endangering of every man's inheritance, all riots being to be tried in the country, this bill gives the Justices of the King's Bench only that power the law formerly allowed.

" Lord Chancellor.—This bill commended by the Lower House and therefore to be respected, who are likely to understand best the grievances of the country. It is not amiss to have the dross filed off from any court of justice, for then it shineth much more clear. Those that come from the country hither for justice do fly the light, for it cannot be that the Justices here can understand these business so well as the country Justices. He thinketh fit the bill should be considered in that point of *certorares* [*sic*], for it is not fit that the Justices of these benches should be inferior unto the Justices in the country." *Begun apparently in the handwriting of Lord Huntingdon but continued in another hand.*

*(xxii) [? Feb., 1694-5].

" State of the coin.

" E. Torrington. New coining requisite. Old coin to be called in. Exporting formerly a grievance. Now the importing

a greater grievance. Moved that an address be made to the King against importing of English coin.

" E. Roff [Rochester]. To remedy our bad coin at home first by mending our own coin. All clipped money to be called in and not passable by proclamation and be no more legal money or to be received in payment. Q. What species of the money should be called in and unpassable.

" E. Monmouth. Seconds this motion. To declare in some convenient time the money to be unpassable.

" E. Torrington 2. To weigh all the money.

" Ld. Godolphin. To regulate the coin. Peace in the nation cannot be preserved without it. The time to call in the money such that money may be raised to supply the trade. Second *Torrington* for a prohibition for importing English coin. Thirds it.

" Ld. Privy Seal. Thirds E. Torrington against importation of coin. Desires to consider where the loss shall be in the weight, and to call in half-crowns first to be coined into smaller pieces. *Moves nothing.*

" E. Torrington. This not proper to consider what the loss shall be.

" D. Shrewsb[ury]. Not proper here to have a public fund. Advises that at the same time a proclamation should issue out to prohibit the importation of English money. *Seconds Torrington.*

" E. Roff. For an address to the King with the Commons, to which they may add what they pleased in the same address. Would have all above sixpences to be called, but fix no certain day.

" E. Pemb[roke]. If you redress the importation of money, guineas must fall, because then the bullion will buy nothing. To make address for calling in with that latitude that particular persons might be recompensed.

" Ld. Fauconb[erg]. How will traffic be carried on; if money be called in it may disgust the House of Commons to fall on it but would have it a public loss.

" Ld. Godolphin. Answers difficulties. Loss to be borne, not to be considered here. 2nd time sufficient to be given for calling in the money.

" Ld. President. An address to the King, to which the concurrence of the House of Commons must be desired.

" E. Torrington. If it be not to be current after to-day, it may endanger the coin will not be now current and so a stop to trade.

" E. Roff. To report the heads of the debate.

" E. Monmouth. To draw up an address upon the subject matter of the debate to be communicated to the House of Commons for their concurrence.

" The committee being of an opinion that a proclamation should be issued for [*sic*].

" The committee being of an opinion that an address should be made to the King for a proclamation to be issued for for [*sic*] [regulating and reforming the coin][1] calling in the clipped money of this kingdom [that][1] their lordships desire a committee should be appointed by the House to draw up such an address to be [first][1] communicated to the House of Commons."

*(xxiii) [1695].

" Though I was absent the last session, yet I have endeavoured to inform myself of your proceedings, and more especially with relation to the impeachment of the Duke of Leeds, [which I find to have been continued to the following session of Parliament].[1]

" I shall say nothing as to the continuance of impeachments, your lordships having determined [it so in this case][1] that point. *But* I am sure all courts of judicature and this high court more especially, from whence the inferior courts are to take their light, as the standing orders expresses [*sic*] it, are most particularly obliged neither to deny or delay justice to anyone, *and therefore I cannot* but think it strange that so many weeks are now past and your lordships have not inquired into this matter, since the honour and integrity of so great a peer and in so high a station is so deeply concerned, for so my Lord President must needs be. It is true the House of Commons, as the grand inquest of the nation, have the privilege to charge before your lordships any man, though never so great, with such offences they take him to have been guilty of, and so become the prosecutors, but then it is your lordships' part to direct the trial that no unnecessary delay may be used in bringing it on, that his innocence may either be vindicated or his offences censured.

" Upon the whole my humble motion is to refer it to the committee of privileges to examine how this impeachment against my Lord President stands in your journals, that thereupon your lordships may proceed in such manner as may be agreeable to the rules and methods of this court."

*(xxiv) Nov. 6, 1695.

" State of the nation in general committee of the whole House.

" Lord Ferrers. We are engaged in a war. It is a war by land. It is a war by sea. The war by land is for the sake of a foreign prince, of which we have no cautionary towns. Moves to lay before the House a muster roll of the land army and whether they be foreigners or subjects. To defend ourselves in this hazardous war by sea, that the state of the navy, number of ships and in what ports they are [*sic*]. That the East India, West Indian, Turkey and Hamborough Companies lay before the House their losses the last year and how they arise [whether

(1) Deleted.

for want of convoys][1] and how they may be prevented for the future, and that the merchants trading into other parts may be heard at the same time.

" E. Monmouth takes notice that the two first East India ships were left without convoy. The three last taken in Galloway between Ireland and England should want convoys. Moves to inquire into the management of the fleet and *the sea-faring matters*.

" E. Roff. Moves to address to his Majesty to have a list of the army in English pay, and a list of the fleet.

" E. Marelbo. Whether by a negligence or treachery the losses of the merchants did arise, and to have copies.

" Ld. Ferrers. To move the House that an address might be made unto the King to lay before [the House a muster roll of the army][1] their lordships—that last list,—a list of the army in English pay, with the names of the general officers, field officers [and number of men in each regiment][1] and of what nation they are.

" To move the [King][1] the House [that the King might be][1] addressed to—that an address might be made to the King to lay before their lordships—a list of the [navy and in what parts they lie and in what condition they are][1] fleet—the condition and disposition of it at this time."

*(xxv) Dec. 3, [16]95.

" State of the nation.—E. Roff.—State of the coin.—State of the nation.

" E. Roff. State of the coin.—Tax pd. 1st Q. good money ; 2d. clipt and worse ; 3. so bad that the receiver would not receive it. And the last not like to [be] pd at all.

" Ld. Ferrers. Coin and fleet and trade. Moves first for trade and the fleet.

" Ld. Presedient [*sic*]. 1st for trade, as most necessary. So for the coin ; the Commons will be only proper to consider of that matter. To read the Act of Trade of Scotl[and]. To consider of the fleet.

" Ld. Roff. 1st to consider both of coin and trade. Nothing to intervene.

" Monmouth. To consider of trade first because the ill coin is a disadvantage.

" Scotch Act of Parliament read June '95.

" E. Torrington. That the East India and West Indian Companies may attend to give an account what prejudice this Act occasions.

" Ld. Godolphin seconds it. To trade 21 years custom free. By this they will undersell us.

" Ld. Ferrers thirds it. That the Turkey Company and other companies may attend.

(1) Deleted.

" Normanby. But only the East Indian and West Indian Companies to offer what prejudice it may be to the trade of England.

" Roff. That it is the opinion of this committee that the [East Indian and West Ind][1] merchants trading into [Asia, Africa and America][1] the East and West Indies should attend their lordships to give an account wherein the Act of Parliament in Scotland for establishing an East India Company there may damage the trade of this kingdom into those parts. And that the Commissioners of the Customs attend at the same time."

*(xxvi) [Dec. 5, 1695 :] CUSTOMS.

" Sir Robert Southwell. The Act for 30 years custom free. Where the duty is higher than the value of the commodity, all the trade will run from England into Scotland.—In the West Indies. Particular officers of the Customs for the duty of tobacco. The trade of tobacco under the Crown of England throughout the West India [*sic*] and not specified where they trade.

" Dodington. To the Company in particular and the kingdom in general.

" Custom free and no duties, they may undersell us. They buy cheaper in India and therefore sell cheaper. They will draw great stocks from England, and so weaken the Company's stock.

" African Company. Percivall. West Indian. No place in America but under the Crown in England and therefore the clause of trading. 1 export. The under-buying and selling.

" Mr. Shepherd. The East and West Indian trade.

" Several of the East India Company in England are members of the East Indian Company in Scotland. They hope that the like liberties will be obtained from the Parliament here for the English Company. In short English money must carry on the Scotch trade.

" The merchants of England [? Scotland] invite those [of] England to trade with them, particularly to Shepherd. Pay great taxes in England. If they draw back their subsidy and [?] in the same committee for Scotland.

" In Africa they cannot trade but by the law of [*sic*].

" English people from being concerned when Dutch and French will come in [*sic*].

" Mr. Doddington. East India Company men have subscribed ; they complain of it. The Scotch trade everywhere. It promotes navigation. Strength of England will be lost by it.

" Mr. Gardner. East and West Indies. Trade of the 3 nations, interest [?] of the monarchy, so it doth not diminish the trade of England. Places unpeopled may plant in the West Indies, French or Dutch or Switzerland. To enlarge the trade of England. Proposes to secure the trade."

(1) Deleted.

*(xxvii) [Dec. 7 (?), 1695].

1*b*. " On Thursday last the Commissioners of the Customs and the merchants attended your lordships in a committee of the whole House by order to give your lordships an account what prejudice the erecting an East India Company in Scotland may be to the trade in this kingdom.

" Sir Robert Southwell spoke first in general as to the Act itself, and took notice that the Company being made free for 30 years must necessarily draw the trade to themselves from England, especially where the duty is higher than the value of the commodity as in many East India goods and in the West Indies in that of tobacco, which trade of tobacco is under the Crown of England throughout the West Indies, of which there are particular officers of the Customs for the collecting that duty, and by this Act the Scots are not restrained to any place in their trade.

" I mention this only, though Sir Robert informed you of divers other things of moment.

" Mr. Dodington as deputed by the East India Company spoke next, but, having given in a paper the substance of what he said, will, if your lordships please, deliver it to be read at the committee. The like did Mr. Percivall for the African Company.

2*a*. " Mr. Shepherd spoke next, and your lordships seemed to think it was not pursuant.

" E. Roffen. Proposes something to be done. To have advice from other persons. From the Commissioners of the Customs. To propose in writing what may be the proper means to remedy the inconveniencies arising by this Act of Parliament.

" E. Torrington. To have the merchants also to attend.

" E. Monmouth. Against the merchants attending.

" Bp. [*sic.*]

" That the East India merchants, African merchants and those trading in the West Indies [*sic*]."

4*a*. " Committee of the whole House on the state of the nation with relation to the Scotch East Indian Company.

" Monday December 9th '95.

" The East Indian Company's report read.

" The Africa Company's report read.

" The person[s] incorporated in the Scotch Act and in London to attend.

" Why these persons being merchants in England should incorporate in the Scotch East India Company so prejudicially to the trade of this kingdom.

" E. Torr[ington]. Whether they are free denizens of Scotland; no wonder if they are of the Company. Whether they [*sic*].

" Bp. Sarum. In the [year] 1660 were 3 or 4 Acts for trade in Scotland, much greater than in this. In 1662 the Parliament of England laid duties that were high on Scotch commodities. Scotland passed another Act to lay 80 per cent. on all English goods [*sic*]. An Act made for the King to lay what duties he pleased on Scotch goods.

4*b*. " Why these persons being merchants in England should go about to be incorporated in the Scotch East India Company by their late Act of Parliament, which may prove so prejudicial to the trade of England.

" To inquire into the promising of shares to bring them into the Company.

" E. Roffen [*sic*].

" Bp. Sarum. That it must be at the public charge of Scotland.

" Ld. Ferrers. Stock all ready settled. To give a list of the names of such persons in England who have engaged themselves in this Company, and what shares they have.

1*a*. " Foules.
" Cheisley.
" Smith, Nat.
" Cotes.
" Frasier.
" Ovedo—a Jew.
" Stewart.(1)

" M. Halifax. Who it was treated with them to have their names inserted in this Act of Parliament."

1*a rev*. " Mr. Shepherd next told your lordships of the disadvantage of this Act. In that divers merchants of the East India Company had subscribed, that English money must carry on the trade of Scotland.

" Normanby. What you know of the business as to the soliciting and negotiating of this matter in England, and what persons they made use of as friends for the carrying it on. To speak generally, what you know of the soliciting and negotiating the Act of Parliament in Scotland for the erecting a Scotch East India [Company]." [? *to follow* 2*a* : *see p.* 315.]

*(xxviii) [Dec., 1695].

" That the subjects and inhabitants of this kingdom be discouraged under severe penalties from engaging in the stock or management of the Scotch East India Company [intended now to be erected](2) established by Act of Parliament within the kingdom of Scotland,

(1) James Fowlis, James Cheisly, James Smith, Thomas Coutts, Hugh Frazer, Joseph Cohen D'Azevedo and Walter Stewart. See *Lords' Journals*, xv, 607.
(2) Deleted.

" And that all seamen of England or Ireland [and all shipwrights employed in the][1] be prohibited under severe penalties from navigating and serving in such merchant ships,

" And that the shipwrights and builders of ships, being English or Irishmen, be likewise restrained under such severe penalties from building any [such ships][1] ships for that service either in England, Ireland or the plantations.

" [That the Company and joint stock for the trade to the East Indies be established by Act of Parliament with such privileges and immunities as shall be consistent with the interest and present circumstances of this kingdom].[1]

" That [an Act of Parliament][1] there be a bill brought in for establishing [a trade][1] an East India Company [with such powers][1] within this [Company][1] kingdom.

" That a bill be brought in to establish [the royal][1] an African Company [in like manner][1] within this kingdom with such powers as may obviate the inconveniency that may arise by the Scotch Act of Parliament.

" That a bill be brought in to establish an East India Company within this kingdom with such powers as may obviate the inconveniency [arising][1] which may arise by the Scotch Act of Parliament.

" [That the same be][1]."

*(xxix) Dec. 22, [1695].

" State of the nation in a committee concerning the Scotch East India Company.

" The Commissioners of the Customs: their papers read. The Levant Company report. African report. East Indian Company. Another from them containing proposals of remedies.

" African Company: proposal of remedies.

" Mr. Gardiner's proposal of remedies with relation to the East and West Indies trade.

" Hamborough Company: remedies read.

" Proposal of remedies delivered from some East India merchants.

" To prohibit Englishmen from being of the Scotch company. To erect a company of English merchants. To pay a duty that touch on England [*sic*]. The officers of the Customs to watch against the importation of Scotch East India goods. Whether there be officers of Customs in proprieties.

" Lord Godolphin to take off the great impositions.[2]

" That the Commissioners of the Customs give their attendance to inform their lordships whether they have by law

(1) Deleted.

(2) It is not quite certain that this sentence is actually intended to follow the foregoing.

sufficient power within the plantation of Carolina, Maryland and Pensilvania to collect the King's duties there and to prevent the inconven[ien]cies arising from the Scotch Act for erecting an East India Company there."

*(xxx) Dec. 23, 1695.

" Bill of Treason. Committee of the whole House. December 23th 1695.

" Title postponed. Preamble postponed. Copy of the indictment 5 days before the trial.

" Ld. Bradford. The bill not to take effect till Lady day 1699.

" E. Pembroke. To postpone the time only, and so agree to copy of the indictment.

" E. Stamford. Except to the time.

" E. Marleborow. To keep to the year 1695.

" Ld. Ferrers. [*sic.*]

" Ld. Roch[ester] observes the 2 former objections. 1. Concerning the limitation of 3 years [when the Act is to commence][1] after which the prosecution is not to be. 2. Concerning the trials.

" E. Rochester. Concerning the limitation of 3 years. The assassination of the King's own person to be excepted.

" E. Pembrooke. [*sic.*]

" Halifax. A bill of attainder.

" D. Salop. It may be contrived to have a paragraph. An attempt on the King's [person][1] life.

" E. Marleborough. Any violence, hurt or mischief of the King. The words too general.

" Ld. Cornwallis. To postpone.

" D. Salop. To remit the past treasons. To have a retrospect as well as prospect. That no [treason][1] person shall be indicted for any treason further than three years after the treason committed.

" D. Salop. That [all treasons past][1] no indictment shall lie against any person but within three years after the fact committed.

" Ld. Cornwallis. Panel of jurors of the peers.

" D. Bolton. [*sic.*]

" As many of your lordships as are of opinion that this clause [shall be offered to the House for][1] be made a part of this bill say 'Content.' As many as are of another opinion say 'Not content.'

" As many of your lordships as are of opinion that this clause shall be read a second time say 'Content.' So many of your lordships as are of another opinion say 'Not content.'

" The clause offered is that when a peer or peeress is to be tried, all the peers are to be summoned to sit and vote in

(1) Deleted.

[judgment upon such peer or peeress][1] the trial of such peer or peeress.

Manchester	Content
Scarsdale	Not content

Tellers

Content	50
Not content	33.

*(xxxi) *Undated.*

" My Lords, I do very much approve of this bill as a thing of public advantage. What I shall now offer to your consideration is only for the perfection of it and providing against some inconveniencies which may arise hereby.

" It is extremely fitting that children should not marry without the consent of their parents; from the father if living, or mother or guardians if dead. The law has already provided that if the woman be under twelve and the man under fourteen, either of them at that age may make the marriage void. But for a father or guardian to make a marriage void after cohabitation without certain reasons fit to be allowed of by this Act seems very hard.

" I will put your lordships a case or two.

" Suppose a man has a daughter by a first wife, to whom he is to give 12, 15, or 20,000*l.* He marries again and has sons by a second wife. Here it will be for the interest of the father and his present wife to defer this marriage, to break off good matches, because the portion should not be paid, and so he retain the benefit of the money, and perhaps if the daughter dies, then to retain it himself. If such a woman shall marry herself to a person of quality suitable in degree, age and fortune and brings no other inconveniency with it than only to force the father to pay the portion, certainly you will not secure the father against this.

" Suppose a father shall die and leave a daughter under this age and under the custody of a mother or guardian, this mother or guardian shall reject all advantageous matches for the daughter and determine to marry her either to one of their own kindred not suitable in quality, fortune, age or other accomplishments, thereby either to oblige a brother or sister or perhaps to obtain a discharge of accompts and release of moneys in their hands. If a young lady shall refuse such a match and shall take another person to her husband, who may be every way deserving, I hope you will not prohibit this; and therefore as an expedient for this matter, I shall only remind your lordships of a rule that was taken in the Court of Wards, which was when anyone had the custody of a ward he might tender a person to them for to marry with [?], but the person was to be without disparagement, suitable in

(1) Deleted.

age, in fortune, in birth, no blemish on their body or reputation, and the contraries were sufficient reasons to refuse such a person. Now, my Lords, if you please to insert such qualifications in the persons so to be married, and then leave it in the power of the parents or guardians to break it off, I think it will be extremely well. I only humbly offer it to your lordships."

Bills to prevent the marriage of minors without the consent of their parents or guardians were introduced 30 *Car. II*, 1 *Jac. II*, *and several times in the reign of William III. See* Lords' Journals, *passim.*

*(xxxii) *Undated.*

"It is to be considered that since this bill has been once if not twice rejected by the Commons as if it were something innovated by the Lords and a transcendent privilege, for I have heard such arguments were given at that time, it were not proper to add to the preamble that it is according to Magna Charta that everyone should receive a trial by their peers or somewhat to the like effect.

"Whether the word being for the trial of *peers* in general and not explaining it to be understood to be meant only to extend to the lords temporal, it may not give the bishops a pretence hereafter to claim a privilege of trying the lords and being tried by them (as A[rch]b[ishop] Williams fiercely maintained upon the Earl of Strafford's trial) because it is clear from ancient records that the bishops have been termed peers of the realm, though their blood being not ennobled they never had such a trial.

"Whether there should not be a greater number of lords summoned than forty, because if 3 [or] 4 do not appear and twelve are challenged, there will remain but 22 [*sic*], which will be too small a number and fewer than ever was known; for when the Duke of Somerset was tried in E[dward] 6['s] time and the Duke of Norfolk in Queen Eliz[abeth's] there were 27 lords who sat in judgment, and yet there were not at that time above three score lords temporal, and then the triers were above a third part of the lords; so that according to this proportion, there being now above 150 lords temporal, it is to be considered whether there should not appear fifty lords at the least out of which the prisoner may make his challenges.

"The longer bill seems the best, because the power of challenging is provided for by it, which the other does not take notice of, and the main design of such a bill is to have such a liberty that no man may suffer through the malice of his adversaries, as did the Duke of Somersett when the Dukes of Suffolke and Northumberland and the Marquess of Northampton were of his jury, the first his enemy and the two last were concerned in the articles of his charge as being offences committed personally against them."

(xxxiii) *Undated:* "Concerning billeting of Soldiers."

"The King has given us great and fresh instances of his desires to give contentment and joy to his subjects, and great always will be the King when he governs free man [*sic*] who enjoy the benefit of the law than to reign over slaves and miserable men. You owe it to the nation, you owe it to yourselves and to your posterities, for you yourselves are involved in the event of it, and whatever course we proceed upon in a parliamentary way, it being warranted by laws and customs of the realm, we may presume his Majesty will confirm as a most gracious, wise and excellent prince.

"The people's liberties strengthen the King's prerogative and the King's prerogative is to defend the people's liberties.

"Magna Charta was to reduce regal power to legal power. The King is to govern according to law and the people is to obey according to law. Who knows not but that by the fundamental laws of the land every free man of this realm hath a full and absolute propriety in his goods and estate, and therefore that billeting and quartering of soldiers against the consent of the householder is illegal, against Magna Charta, the Petition of Rights, the liberty and property of the subject, in such a degree that should it be admitted, it would be more tolerable to live in Turkey than England.

"*Volenti non fit injuria*, and in such cases this clause has no reference. It had not been amiss if this clause has [*sic*] not inserted. But now to leave it out, what terror, what dread will it put the nation into. It will more more terrify and affrighten than if 40,000 men French landed at Portsmouthe, for then every man to his tent, every man to his guard, that by enemies, this by the tacit concession of the Parliament of England.

"From the vast and dangerous consequences you will judge it expedient to bind it with one further cord. For if it be a thing never to be practised, then no difficulty will be granting it; if it be, then ought you to be awakened. Consider, my Lords, if such billeting and quartering of soldiers should be used, what would be the consequences.

"Involuntary proceedings do always occasion disputes and controversies. How would the civil government in the country be contemned and the officers of justice neglected and resisted. It will tend to impoverishment of the nation by decay of husbandry and abatement of rents, by removing of affrighted and amazed inhabitants from their dwellings to places of greater security, by debauching the minds and manners of the commons. Places of trade will be unfrequented when through robberies, murders, rapines, there shall remain neither security for the traveller nor dweller. If this be so, Englishmen are villeins and slaves, and have propriety in nothing."

(xxxiv) *Undated.*

" 1. Ignorant and unlearned men not to be admitted into the ministry.

" 2. Scandalous and negligent ministers to be removed or punished.

" 3. Ministers that have fat benefices and many chapels of ease belonging to them, that they be enforced to provide able curates for them and of honest life to read divine prayer and administer the sacraments in those chapels, and not (for covetousness and filthy lucre) to entertain loose and sottish fellows, because they will be hired for a base reward, who with unwashen hands do go about so holy a work.

" 4. Commendams, non-residencies and pluralities of benefices to be restrained or qualified, and the heads of houses in the universities, when they shall be preferred to any spiritual dignities (as to bishoprics or deaneries, etc.) then to leave their places in the colleges. The pride, covetousness, ambition and idleness in many clergymen is so evident and conspicuous, that it doth bring religion into contempt, and it is much to be feared that churchmen will prove the greatest enemies to the Church.

" 5. That a more due observation of the Sabbath be urged.

" 6. Monopolies to be taken away, which are good for nothing but to enrich some private person by a general mischief.

" 7. The wasting of the treasure of the kingdom to be prevented, and care to be taken for removing the occasions, which are four chiefly,

" 1. The East India trade which wastes both our money and mariners, the third man scarce returning back, and the commodities we have thence, which are raw silks, pepper, indigo, we have formerly had (before that trade was known amongst us) the same things both nearer home and at easier rates.

" 2. Transporting gold beyond seas.

" 3. Making of gold and silver thread which spends an infinite deal of coin daily, and Venice gold came hither at as cheap or cheaper rate, the thread being much better than our home made stuff, than it will now be bought at.

" 4. Superfluous gilding of houses, coaches, sign posts, etc.

" 8. Lotteries to be suppressed. These beggar the country. Never could there be a more fit season offered to move for the putting down all those ways and means whereby our treasure is exhausted, than at this time when all our country commodities bear so vile a price that they will not of [*sic*] almost at any rate, which is caused only through the scarceness and want of money.

" 9. Persons duly convicted of extortion (as sheriffs, ordinaries, coroners, escheators and their officers or servants)

in the general sessions by verdict of a lawful jury, that the sessions may have full power to hear and determine finally of such like offenders, because if they be permitted to remove the records by *certiorari* into other higher courts, they know they shall escape unpunished, in regard that they are the meaner sort of people which have most cause to complain, who will not be at cost to follow their honest cause, if it be once removed out of the country.

" 10. The statute of 21 H. 8 cap. 5 for fees due to ordinaries and their officers for probate of testaments and granting of administrations, that the fees for letters of administration, where the goods amount to 40*l.* and upwards, may be made certain, as it is for probate of testaments; for by reason it is not set down in plain words in that statute what they shall take, if the goods of the intestate exceed 40*l.*, therefore for their own advantage they term it *casus omissus* and so take what they list, though they well know that by the preamble of the same statute it is clear that the fees both for probate of testaments and administrations should be alike.

" 11. Excess of apparel to be taken order for.

" 12. Penal laws enacted in Parliament by no other means to be repealed than by the same they were ordained.

" 13. Cart takers in the progress to keep within the ancient verge or limits and not to send out warrants for taking carts 20, 24 miles or more from the Court, charging a far greater number than is needful.

" 12 [*sic*]. Informers, when they take process against any man out of any the King's courts, to give in their names and place of dwelling and also put in good sureties to satisfy the party informed against, in case they delay their suit the space of a twelve-month, be non-suited or cast.

" 13 [*sic*]. The statute of 43 Eliz. for the poor, some ambiguities therein to be cleared, for the settling of the said poor, and that lords of manors may under a pain be enjoined to appoint grounds upon their waste or common to set up houses at the parish charge for such poor to be placed in as the law doth appoint.

" 14. That all abbey lands and all other places where towns are decayed may be made liable in an equal proportion to all payments which shall be imposed upon the country, and a way to be thought upon and devised where they lie not within any constablery, if so be the owners will be refractory, how to take distress for whatsoever business, either by giving power to the chief constable of that hundred, or by some other means.

" 15. That the laws against recusants may be more strictly urged.

" 16. To prevent depopulation under some grievous penalty, and to leave the decay of tillage at more liberty.

" 17. Fathers and mothers of bastard children to have some corporal punishment, which seemeth by 7 Jacob. [cap.] 4 to

be taken away, except from women that have had two bastards, which may be chargeable to the parish.

"18. Abuses in the clerks of the market to be redressed.

"19. That merchants be not suffered to monopolize foreign commodities brought into the land, a custom which is common in London, and serves but to raise the price of things.

"20. That bonds taken for money lent upon use may be void, unless they be entered into a book within a certain space. It will be of double use, first to raise some payments to the King and [*sic*] of moneyed men, whereby the country may in some sort be eased, by laying impositions upon the usurer, and also it will bring land to be of a better value.

"I do also humbly entreat you, my Lord, to yield your aid to [the] private suit which is intended to be moved in Parliament b[y th]e minister of Harburgh; one Mr. Bunnings. It is for t[he u]nion and consolidation of the chapel in Harborow and the church standing in the fields called St. Marie's in Arden; it is only desired that the union may be confirmed by Act of Parliament, for otherwise as much is done as can be desired. The valuation is under 6*l.* in the King's [books], and then the ordinary hath power with the consent of the patron and parishioners to unite them, which was confirmed under the episcopal seal of the Bishop of Lincoln 11mo Jacobi, and strengthened also by letters patents under the Great Seal; neither is it without precedent in the time of his Majesty's reign, for 1mo Jacobi cap. 30 the like was done for Radipoll and Melcomb Regis in the county of Dorset, as I take it."

XVIII. LATER MISCELLANEOUS AND ADDITIONAL PAPERS.

The EXAMINATION of WILLIAM HANCE, priest.

1581[-2], March 19.—Made in Rheims three or four years past by his own confession, and taken by Francis Hastings, Justice of the Peace in the county of Leicester.

In Oct. 1578 he went over to Paris and there stayed about 17 days, and from thence went the direct way to Rheims, where he stayed till May following and was then made priest by the Bishop of Châlons, suffragan (as he thinketh) to the Bishop of Rheims, and so returned to England. He hath remained for the most part in London and there lay sometimes at the Antelope in Holeburne, other times at the Swan by Holeburne bridge and other times at the Horse Head in White Chappel parish. He was sometimes at his father's at Stoke in Rutlandshire and sometimes at John Pel's of Stockerston.

He denieth he hath said mass since coming over. His order of priesthood giveth him the authority to absolve and reconcile, but he denieth he hath exercised it. Being asked why he came over, he saith for love to his country, and being asked what testimony he hath showed of his love, he answereth in praying for it; being urged that he might have done that beyond sea, his answer is he hath done nothing else. He wrote the order of reconciliation in his book that he might be in readiness to reconcile if need were. He never persuaded any to be absolved.

Being asked whether he hath persuaded any man to forsake this religion, he saith he hath advised his father and mother to take heed to themselves, for they had seen both, and if they would look what the fruits of those times were and what of these by that they should find which is the truth.

Being asked whether he know any other of his function, and how many, he saith he knoweth one Norris lately taken, and others, but he will not name them. He hath been at Pel's of Stockerston five or six times. Having found a certain relic about him, he saith it is a drop of his brother's blood, that was hanged for the Catholic religion, but denieth to tell who gave it him; a bead found in the same he saith he brought out of France. *Copy.* *See* Cal. S.P. Dom., 1581-1590, p. 147.

REGULATIONS for the HOUSEHOLD of the EARL OF HUNTINGDON.

[*Circa* 1604 ?(1)]—"Some breife notes of orders to be observed in your lordship's familye; as followeth.

(1) When the fifth Earl succeeded to the title at the age of eighteen.

" First, whereas your lordship hath establyshed prayares to all myghtie God to be saide twice in the daye in the house, that all your lordship's famylie maye duly resorte thereunto upon payne of your lordship's displeasure. And whosoever is not ready to come to service, not to attend your lordship at table, and so not to sit downe in the hall, neather dynner nor supper, nor to have meate from any upon payne of displeasure, the oversight hereof to be comitted to the gentlemen uchsares.

" That there be greate care had that your lordship['s] chaplen be duly reverenced and respected of all your lordship's houshould.

" That your lordship set downe an order howe men that be your lordship's servauntes shall take place of one another, bothe at table and otherwise, which is to be done by the checkroole.

" That your lordship viewe the checkroole and so to allowe and disalowe at your pleasure, that the certenty of your family may be knowne, and so thinges ordered according.

" That noe man or woman being serviauntes shalbe served diet forthe of the kitchen, but in the great chamber or hall, as is most fittinge, or in the nurserye, which is allowed for the chambermaides and laundermaides and none elce.

" That the clarke of the kitchen maye have poware at all tymes to come into the place where your lordship shall dyne or supp and to take downe to be kept for your lordship['s] service any diet whatsoever, makinge the gentlemen uchsares acquaynted therewith.

" That noe man whatsoever presume to carrye downe any dishe or peece of meate eyther from your lordship['s] table or the greate chamber to perloyne the same or to spend it in corus with there freindes ; if necessitye do urge, that they come to the gentleman uchsare, make knowne the occasione and he in discreacion to sattisfye the partie. Whosoever shall offende herein to loose your lordship['s] favour and service. For by sufferinge this abuse wilbe most hurtfull to your lordship, and those in best place and condicion aboute your lordship shall want that dyet which is fit and belonges unto them. And that none admitted to wayte at your lordship['s] table presume to carrye from the cubbord or place where your lordship shall dyne or supp any wyne or beare, eyther into the great chamber to any there or into any other place, but that they in the greate chamber have wyne or beare from the sellor or butterye, and not of that which is brought up for the service of your lordship's table, the oversight hereof to be comitted to the gent uchsare.

" That your lordship set downe certeyne howares to be kept for the provideinge your lordship['s] dyet.

" That after meate is brought downe into the hall and the uchsare have care that none of it be from thence perloyned, whosoever shall offende herein to lose your lordship's favour and service.

" That noe straingers be sett downe with those that waites and [none ?(1)] before them except such as come upon extraordinarie ocasions and such as attende strandgers lyeinge in the howse.

" And whereas your lordship intends to keepe noe officers table, that all those in office take there dyet at the wayters table.

" That all men who are in any office of chardge in your lordship's house eyther co[ncerning your ?(2)] dyet or otherwise, that they gyve an accompt dayly or weekelye to the clarke of the kitchen, at his choise, and he unto those your lordship shall appoynt, what and howe much shalbe expended forth of there chardge, that thereby your lordship may understand howe greate and what your lordship's expences wilbe. If this seeme harshe unto anye or that theye cannot fancy to yeald unto it, let them provide a newe master, for those cannot be good serviauntes that will not yeald an accompt of that which is comitted unto them and under there chardge and government. And that the clarke maie have likewise one appointed to geave his accompts toe weakly, whoe may have authoritie from your lordship to geave him his dischardge.

" That all swearinge, cursinge and profayninge of God's holy name be refrayned in your lordship[']s] famylie, upon payne of loosinge your lordship's favour and service. And that all idle and loude talkeinge be at all tymes forborne, and whosoever shalbe unseemly stout or urge any quarrell in meale tyme and will not be silenced and amend upon warninge gyven hym by the ucshare, that he be presently taken from the table and carryed to the porter's lodge and there to be sett in the stockes.

" That there be a payre of stockes provided and set in the lodge or gatehouse.(3)

" That if any doe unseamly behave themselves towards there betters, the offence to be punnyshed first by the stockes and, if the partie will not amend, to loose your lordship's service.

" That all men in there severall places have great respect in the execution of the same to your lordship's honour and profitt. And, for the avoydinge of some grosse faults at this present rayninge in your lordship's house, that they be restrayned of that libertye which they have into the butterye at there pleasure for the reformacion hereof, that men be forbidden to come into the butteryes but that they be served at the barr, excepting to the gentlemen liberty to go in to drincke but not to hould any conference there, but to sattisfye themselves and freindes, and so to departe. And for that the other sorte maye be sattisfyed from those offices, that your lordship appoynt the butlers to attend from eight of the clock untill nyne in the morninge to serve them that shall call, and from three untill

(1) The MS. is torn here, and this word is not clear.
(2) MS. torn.
(3) This sentence has been scored through.

foure in the afternoone and so at meale tymes to attend, and to gyve unto those that shall call for drinck somthinge before nyne of the clock at nyght but not after; all the rest of the daye and nyght the buttery dores to be shut, and nothinge to be served except upon ocasione of straingers, to gyve entertaynment to their followares in the butteries, but not to make any[1]

" That your lordship sett downe a certen number of dishes for your ordinarie diet, except by occasion of strandgers, and the qualitie of them.

" That all men allowed to waite upon your lordship at table do dilligently attend to carry up plate, except the gentlemen, but that all attend at the dresser for the carryinge up of your lordship's diet in good order as ought to be, and that due attendance be gyven by all men appoynted to waite upon your lordship at the table, and that the comaund of them be comitted to the gentlemen ucshares.

" That your lordship devide the nomber of wayters, how many to waite at your lordship's mease and how many to waite at the boardesend beneath the salt.[2]

" That all men avoide the entertayninge or invitinge of ther freindes to your lordship's house to diet, unlesse it be upon good occasione of buysines, and that none be set downe to meate unlesse he have good occasione knowne to the ucshare to come to the house, and, if any do resort to oft, the ucshare to gyve them warninge, if it will not serve the[n] to acquaynt the cheife officer.

" That upon occasione of straingers the groumes of the stable be comaunded and do duly attend upon them, and the gentlemen's men lykewise untill there masters come to set downe.

" That there be due attendance gyven that, so soone as the waiters doe rise from supper, they repayre into the panterye for the servinge of leverye to straingers.

" That everye man in his office be vearye dilligent to please my ould lady[3] with whatsoever is under there chardge that her ladyship shall comaund, and that all men be vearye respectyve of her, and whatsoever her ladyship comaund to be done that to be done, or otherwise to provide them a newe master. And that there be care had of due regard to her ladyship's serviauntes as is fittinge.

" That the porter have due regard that in the tyme of prayares noe man be admitted into the house, but so soone as prayares be begoone that the gates be shutt up, and he hymself to be there. That noe man be admitted to come into the house duringe dynner tyme, unlesse he be some gentleman of speaciall note or accompt, and whosoever shalbe absent forthe of the

(1) MS. torn. (2) This sentence has been crossed out.

(3) In the margin is written " my G. mo."—*i.e.* (presumably) Dorothy (Port), Countess of Huntingdon, the fourth Earl's widow, who lived until Sept. 2, 1607.

house of your lordship's famylie in dynner tyme not to come in till after dynner, unlesse it be knowne to the porter he or they have bene ridinge forthe upon buysines. That noe man be admitted into the house after x of the clock at nyght, and, if that any be forthe all nyght, the porter to make it knowne to the principal officer. And if any do clyme over the walles, that the porter make it knowne so neare as he can who they are.

" That noe man nor woman be suffered to carrye forthe of the house any dyet or other thinge in seacreat, but that the porter see what it is and be assuered it is carryed by the consent of some of the heade officers.

" That noe gentleman or other belonginge to your lordship do sett any horse in the stable but by allowance of your honour, or that any gentleman or of better sort set any horses in the stable.

" That everye man to whome your lordship allowes to keep a horse . . .[1] do ride his owene horse to doe your lordship service or else . . .[1] none.

" That your lordship do duly consider wheather it be fit or not that noe gentleman be allowed above one man (or too at the most) to diet in the house, the rest to goe into the towne.

" That your lordship comit the oversight of theise orders with government of your house to some worthie, the same to arm hym with authorytie and to back and countenaunce hym [in] the executione thereof.

" That seinge ther is a partition made in the woodyard to avoide wast of fwell, ther be a sufficient man appointed that under locke and kay maie preserve the same, and that none be delyvered but from 6 to 7 in the morninge and from 3 to 4 in the afternone. And that none go into privat chambers except to such your lordship shall allowe or to necessarie uses of the howse or by occasion of sickenes, especialy duringe the tyme of lyers in the howse. And lastly the cooks havinge donne, all dores aboute the kitchyn be lokd up, the keyse delyvered to the clarke and receved of hym in the morninge.

" That your lordship first take a perfect viewe of your estate what it is in certenties, then to fram your lordship's famely and porte thereafter and not to goe above your poware. And if it be found sufficient, then to sett downe the state for houskeepinge, and to fram orders, for without order and government nothinge can stand or prosper. . . ." 4 *pp.*

Directions of Henry, fifth Earl of Huntingdon, for guidance of his son Ferdinando [*afterwards* sixth Earl of Huntingdon].

[*Circa* 1613.]—A paper book containing 90 written pages, headed: " Certaine Directions for my eldest sonne Ferdinando[2]

(1) MS. torn.

(2) This son was born Jan. 18, 1608, the Earl being then aged 21. Or, if June 18 (*see* p. 352 *infra*) is the correct date, the Earl's age was 22.

to observe in the course of his life." The MS. is written in several different hands and there are a number of corrections and additions made by the son to whom it is addressed, who also contributes two pages of religious reflections at the end. Various subjects are dealt with under the following heads :—(*i*) Religion ; (*ii*) Health ; (*iii*) The goods of Fortune. The last head is subdivided as follows :—(*a*) Choice of your wife ; (*b*) Duty to the King in your attendance upon him ; (*c*) Duty to your parents ; (*d*) Duty to your office ; (*e*) Love to your children ; (*f*) Love to your friends ; (*g*) Love to your servants and tenants ; (*h*) Your carriage at table and abroad ; (*i*) The disposing and ordering of your private affairs.

The Earl commences by stating that it is the uncertainty of his own health which has induced him to compile these Directions, although not much more than five years have passed since he himself came to ripe years ; ". . . finding in myself the weakness of mine own body and subject to those diseases I cannot promise out of physical grounds any long continuance before I come to the period of my days.[1] This reason of my ill disposition of health is sufficient to make me thus early begin this conference betwixt us in my young years." The observations he is about to make have, he states, been reaped from the teaching of his reverend tutor Mr. Church. The following abstracts will indicate their tenor.

Religion. This is the axis and cardo that all the rest run upon. Therefore like a good architect make this foundation sure. We live in a time when the truth of God is taught and professed in this kingdom, a happy time that enjoys the freedom of God's word. It is true that Popery though not tolerated is secretly in many parts of the kingdom and doth increase ; for till the day of judgment the sheep and the goats shall live together. Yet praised be God that both the King and the State in general do embrace the true religion.

As for the dissensions amongst ourselves, it is not about the fundamental and material points, but things of indifference and ceremony, which would to God had never been broached amongst us ; for it cannot but be a great weakening to the Church. Yet seeing they all preach Christ, love them as thou shalt see the graces of God the more to appear in them and respect them for their work's sake. These that dissent are called Puritans, a reproachful name given them either by Papists, that do hate all ministers except those of their own sect, or atheists or men extremely vicious that think every man that will not be drunk, swear or lie whore is a Puritan.

Substance without ceremony makes the service of God to be but meanly performed, and ceremony without substance is but hypocrisy. The degrees of archbishops, bishops and others cannot but be an honour in the spiritual as well as in the

(1) He did not in fact die until Nov. 14, 1643.

temporal government, for to have no distinction in callings breeds contempt. The cap and surplice are but indifferent things in the power of the King to command or to prohibit, being within his kingdom supreme governor. And as there are divers things, as the cross in baptism, ring in matrimony, kneeling at the receiving of the sacrament, indifferent things in themselves, yet being commanded it is a sin not to conform unto them. For we are commanded to obey the King in all things in the Lord, and let them that refuse take heed.

Keep the Sabbath holy. Hearing the word preached or read abroad or at home, prayer, meditation, conference, the reading of sermons or any books of divinity, visiting the sick, giving unto the poor—these are the proper exercises for that day. For thy bodily exercise use only walking. How can we expect to have it a day of rest hereafter that make it a day of riding or sport and play here? "Seeing this is in the manner of a discourse betwixt us, I will deal plainly and truly with you. Although even from my youth I observed this day most commonly carefully, yet not so strictly as since this accident that befel me. About eight years since, coming from London and lying at Harborough, I sat up until eight of the clock in the morning at cards. That day (being Sunday) riding to Ashby, in a town about six miles from Harborough upon the stones my horse threw me over and over, so as it was a wonder I was not spoiled. But seeing it pleased God so lovingly to correct me and yet to be so merciful to me, as that I had no hurt, since that time I have made more conscience of it than ever I did before."

Health. Endeavour to observe well the state of thy body, that, when thou askest his advice whom God hath created for necessity, he may apply proper means for thy health. For hereditary diseases I thank God I know none I am subject to from my ancestors within the memory of three descents, but from me you may be subject unto that disease, the vertigo, which seized on me eight years since, though it is not so troublesome as it hath been heretofore. It proceeded partly from the coldness and moisture of my natural constitution, my mother being delivered of me six weeks before the forty, and the mould of my head never well closed, and partly from the carelessness of my diet and little exercise.

Hunting, hawking and riding abroad are the exercises most usual. Be careful lest thou take cold of thy head or feet, and therefore let thy exercise be twixt the rising and setting of the sun. For myself the exercise I delight in is either in building or making walks and water works, which draws me out when many times I should otherwise not stir abroad.

For thy diet, simple meats is the wholesomest, and not to eat above two or three kinds at one meal. Eat large dinners but sparing suppers and never mix fish and flesh together at one meal. Use sauces if thou find thy stomach weak. Accustom

not thyself to drink betwixt meals. A glass or two of wine at thy meals helps digestion, corroborates the stomach and increases spirits, and is a cordial for the body. Sleep not over much for it chokes the spirits and dulls the brain. When thou goest to bed, prepare thyself as though thou wert going to thy grave, for thou knowest not whether God will call thee to judgment before morning. ("Besides [*his son has added*] in the regard of the imperfection of our parts we may say we are dead as soon as we are born.") When thou goest to bed trouble not thyself with mundane cares, for nature cannot do two things well at one time, and a perturbed sleep makes an ill digestion.

The choice of a wife. This being a thing so much concerning both thyself and thine, and wherein (perchance) thou shalt have occasion to err but once, the greater vigilance in thy choice ought to be used. Marry not a woman that is deformed, whose unhandsomeness may incite thee to others. Neither think that she is handsome who paints, for, though it be done with the most exquisite art, yet thy wife shall be unto thee but like a sepulchre. It makes a decay and unsoundness in many of the parts of their body. How great is the fault of those parents that teach and cause their children to use this even from their infancy. This Italian trick was begun to be used not by their wives but by their courtesans.

Marry not one of a contrary religion, for thou wilt agree no better with her than an ox and an ass that draw together, and difference in affection makes disparity in manners. Thy children that proceed from this grafting are likely to prove either Papists or neuters, and if we be careful in cattle for their breed, and fruits what stocks they come of, shall we not be more regardful of the making of these that are *imagines Dei?* Marry with one of thy own rank, yet be not too curious herein. Being allied to most of the nobility, match with one of the gentry where thou mayest have a great portion, for there is a satiety of all things, and without means thy honour will look as naked as trees that are cropped.

Match not thy son before he come to ripeness of years. I myself was married when a child, and could not have chosen so well myself nor been so happy in any woman I know, but because one proves well it must not beget a conclusion.(1)

Deny thy wife no necessary nor fitting things, nor refuse if she be in debt to pay it, resolving it may make her take base courses. Nor let her have all things she would unless she be a woman of very great discretion, for that will exhaust thy estate and add means to accomplish her pride. Beware of that jealousy which the world commonly so calls, which in my opinion is a spice of lunacy or madness, for some men there are that no act his wife can do but he is suspicious of her, of her

(1) The Earl had become a husband at the age of fourteen, and, in spite of these sentiments, married the son whom he is addressing when he was only fifteen.

servants, kindred nay children. This will beget such a distemper in thy affections as no torment but an evil conscience is comparable to it.

Duty to the King in attendance upon him. Sir Walter Mildmay, a great Privy Councillor to the late Queen Elizabeth, amongst his golden sentences hath this—" Know the Court but spend not thy life there," which advice I think thou shalt do very well to observe, unless thou either have some great office or be one of the King's favourites, for Court is a very chargeable place. I should rather wish thee to spend the greatest part of thy life in the country than to live in this glittering misery. Yet it is expedient for thee to come thither once or twice for some three weeks [" few days ", *his son has substituted*] at a time in the year, as also upon commandment, for the Parliament or great triumphs, as the creation or marriage of the King's children or a great prince his coming over to see the King. At all which times thy service will be taken in good part.

At that time thou art at Court wait diligently upon the King and be not ready to speak unless he give thee occasion, for that shows presumption, nor over silent, for that shows timorousness. Let thy speech be short and pithy, more matter than words, yet hold no long argument with the King, for, though you be in the right, kings love not contradiction. Nor flatter him, for truth shall best please thyself and he thinks thee the honester man. Those things thou knowest he loves present him with, though never with any horse, for if he chance to fall with his Majesty he will never see thee but it brings it into his memory. Let thy apparel at Court be neat though not costly, and let not thy speech be loud and gaping, for that will show thee to be but a country gentleman. What thou talkest of let it be either of trivial things they can get nothing out of, or else asking questions whereby perchance thou shalt know somewhat thou didest not before. For thy discourse with women, praising of their beauty and talking of their apparel will be subject enough to take up a great deal of time. Care not to compliment, for that will but fill thy brain and mouth with superfluous froth.

Duty to parents and others.(1) The third kind of parents are the aged. Few live to be old, partly from over hasty marrying that gets weak children before they come to the full maturity of their body themselves, partly from over large and surfeiting diet and drinking, which kills more men than the wars.

Love to servants. It will appear a great part of thy wisdom to have honest and able servants, in the choice whereof be very careful. Accept not those that have a crabbed look, for many times the looks show the affections of the heart. Let them have some means, else they will be a greater charge to thee, neither overmuch, for that will make them idle and negligent. Keep but few that are persons without employment, for thou

(1) The first portion of this section is missing.

shalt have much ado to keep them from spending their time leanly. If they be of good dispositions, make much of them; if of harsh and sour and proud in their own conceit, keep them under, and though thou give them leave, when nobody is with thee, to speak to thee, yet suffer them not to be saucy.

Let none of them have served thee seven years as menials, but according to thy means and their desert do for them, giving them some such annual thing to live of during their lives that, having served thee in their youth, may maintain them in their age. I need not speak of giving of coats, for that ancient and honourable fashion is clean out of use at this day, and to give cloaks is not so handsome. Let thy servants be rebuked for swearing or being drunk, and keep none that are usually so about thee.

It is a brave thing and a great honour to have a man's father's and grandfather's men, for they will love thee by succession, and will be like pictures to thee putting thee in remembrance of them by one act or other that they did in their time.

Behaviour at table and abroad. Trouble thyself neither with the business of thy place nor thy own particular affairs at dinner and supper, but let thy discourse be pleasant and of honest things, with variety of matter; and take not up all thy table thyself, but give others leave as well to speak. And if thou enter into any argument, though with thy much inferior, argue patiently. Endeavour to have a general knowledge in all things, else a country gentleman that can talk of nothing but of subsidies, the provision, or petty penal statutes for the punishment of rogues, feeding of oxen or sheep, manuring of land or the changes of the seasons, that things are dear or cheap, ploughing of land or inclosure or what price corn bears, such a one if he be not talking of these things will fall asleep at his meals; unless he hears news from the Court, and then he holds up his hands as if he were at prayers, and, if he hear the King once named, he thinks it high treason. So you shall have some can talk of nothing but fighting, as if a grave man come in he will fear his throat shall be cut before he rise from the table, or my young master who cannot speak two words but one must be bawdy or swearing, or some other of hunting or hawking, or one that has lain in bed all the morning to copy out some poet's verses to talk of them at dinner and say it is his own, and some of building, as though they were to make a model upon the table, and some what money will come unto in a twelvemonth, as though they were auditors, and some of State business that have but talked with one of the clerks of the Council. After thou hast discoursed with any of trivial things in his own element, take occasion to speak of matters of greater worth, that he may see thou didest descend unto his discourse in respect of his affections.

In thy speech mumble it not in thy mouth, neither "draile" out every syllable, as though all the wit in the world were in

pronouncing like a schoolboy. Speak adornedly, without affectation or pride, yet mixed with a certain *pudor*.

Accustom not thyself to drink healths, for that will make thee be thought a deboshed person, and if thou seest any of thy friends to swear extremely, tell him of it in private.

Ordering of private affairs. Building is a pleasure most men (and myself) do love, but it is an expenseful, though bewitching, delight; which if thou take pleasure in, what thou determinest to spend spend but half of it, for one thing doth so draw on another as it is not possible to make a true estimate at the first. Before thou begin, well consider how thou mayest end it, else will the stones be witnesses of thy folly.

Suits in law are grown so common that he that hath not some is out of fashion. Though I could wish thou shouldest have some to teach thee experience, yet but few, they will be so displeasing to thee. A trial at the Common Law will cost thee not above some eight or nine pounds, and the issue within some three terms, yet, because that's too cheap and the time so short, it will be brought into the Chancery, and, if it begin originally there, then a writ of error will be brought to bring it to the Common Law, and before it will be at an end three or four years will be spent. If the business be of moment then follow it thyself. Wheresoever thy business depends, if thou will expect it should go well, give gratuities to those judges' servants, and after the business ended present them with some fitting present. This will make them the readier to do thee a kindness hereafter. Those occasions that are small and petty leave unto thy solicitor, for it will be a dishonour to be seen in them. Thy solicitor ought to be a man very honest, painful and of that understanding as readily to conceive thy business and able to ask questions and put doubts to thy counsel. Never entertain in one cause above three or four lawyers to plead for thee, for more will not have time to speak and pester a court.

My dear son, though I should not live till you could know me, yet, when you go into your studies, cast your eye upon this paper and you shall behold the true image of me.

"THE FORERUNNER OF REVENGE."

1626.—A MS. of Doctor George Eglisham's tract, written upon 19 pages. It is probably a contemporary copy of the first English edition, which appeared before May 20, 1626 [*Cal. S.P. Dom.*, 1625-1626, *p.* 337]. Of this edition no copy appears to have survived, the earliest that is known in English being dated 1642.(1) The title is as follows:—

(1) The tract first appeared in Latin in the year 1626, but there is no place of publication upon the title. A German translation was published the same year at Augsburg. The title given above is, save for the word "Franckford," a translation of the Latin title, whereas those of the two editions of 1642 (the second is only a re-issue) are more elaborate. There is a considerable variation between the text of these issues and that of the MS. here described, though confined in the main to the choice of words rather than the construction of sentences.

" The Forrunner of Revenge
" Upon the Duke of Buckingham for poysoninge the most potent King James of happy memory King of Great Brittaine Fraunce and Ireland and the Lord Marquesse of Hamilton and others of the Nobility.
" Discovered by Mr. George Eglisham doctor of physicke and one of the physitians to King James of happy memorie for his Majesty's person above the space of ten yeares.
" Franckford
" 1626."

MSS. of PHILIP KYNDER, Miscellaneous Writer.

[*Circa* 1630.]—The original MSS. of two works, neither of which appears to have been printed.

1. A very neatly written MS. in Latin, in a folio volume of 224 pages, bound in stiff boards loosely backed with parchment. The title runs—" *Eugenia* | *sive* | *Genealogia Chrono=graphica* | *Impp :* | *Regum* | *Principum* | *à novissimis ad antiquissima temporum* | *deducta,* | *viz. Adamum usque protoplastum :* | *Unâ* | *cum commentariolis, quæ exhibent,* | *quæ regna, provinciæ, tituli,* | *quomodo et quando* | *Ad illustrissimam quamque familiam* | *aut hæreditario jure devoluta* | *aut aliunde acquisita sunt.* | *Act.* 17. 28 *ex Arato.* | θεοῦ γὰρ χὶ γένος ἐσμέν. | *Autore Philippo Kindero* | *Anglo-britanno.* | *Hiis accessit de charactere catholico* | *epistola Catholica.*" Then follows a dedication to the King—" *Nobilibus manibus Regi Carolo et Posteris D.D.D.*" Then a complimentary epistle in Latin by Sir John Beaumont the poet, signed " *Johannes Bellomontius Octob.* 4 1623." Then another similar letter signed " *G.M.* 26 *Maij* 1628, *a tugario meo.*" Then comes the " *Consilium et Forma Operis* " (6 *pp.*), then an " *Index Dynastarum et Originum* " (4 *pp.*), and then the body of the work, which consists of genealogical tables working backwards from Charles I to Adam and Eve, together with a running commentary, all arranged in vertical columns which increase in number and complexity as the work proceeds (90 *pp.*). Then follows a chronological table of English and Scots monarchs (1 *p.*), and then a " *Syllabus scriptorum quorum Marte librum hunc complevimus* " (4 *pp.*). Next comes the title of the second part, which runs—" *Inoculatio Magna* | *sive* | *Eugeniae Pars Parilio Nulli* | *secunda,* | *ubi* | *Ferdinandi Imp : Cæsaris invictiss :* | *Ludovici Francorum Christianiss :* | *Philippi Hispaniarum Catholici* | *Aliorumque regum potentiss :* | *inseruntur stemmata* | *Quibus singulis, salva pietate in Carolum (fidei defensorem et*[1]) | *suum, humillime devolutus* | D.D.C. | *Philippus Kynderus Anglo=Britan :* | ΙΑΙΑΔ[Ο]Γ | τοιούτης τοι γενεῆσπε χὶ αἵματος σ' ὄχομαι εἶν[αι] *nostri quoque sanguinis autor* | *Jupiter est, totidemque gradus distamus ab illo.*" Then follows an index of Spanish Kings (1 *p.*),

(1) The words in brackets have been inserted above the line.

with similar genealogical tables of the same (20 *pp.*); then like tables of the Kings of Lusitania (Portugal) (8 *pp.*); then an index of the Kings of France (1 *p.*), with like tables of the same (12 *pp.*); and then like tables of the Kings of Denmark, Norway, the Counts Palatine, etc. (17 *pp.*). There is an appendix of arms of England, Germany, Spain and France, with rough drawings and explanations (8 *pp.*), followed by 6 pages of miscellaneous genealogy, etc., and 14 pages of similar genealogical tables dealing with the Turkish Emperor and back to Adam.

The work was evidently intended to be published, as enclosed in the book, along with one or two miscellaneous papers, is a printed folio sheet comprising 4 pages of the MS.

2. A Latin treatise in a small quarto volume of 78 pages, loosely sewn in a parchment cover. The title runs—"*De*|*Ecclesiae visibilitate*|*Apud Evangelicos*|*Trini Libelli*|*Scriptura*|*Paraleipomena Consensus*|*Ante Lutherum*|*Claves Apocalypseos.*" Facing the title is written—"*A Memoriâ*|*in proprios usus*|*vero possessori*|*Phl*^{o} *Kindero.*" Written much less neatly than the other MS., and of no particular interest.

A List of Armour at Donington.

1633, Oct. 19.—A note of the armour at Donington Mills, comprising—42 head pieces, 43 gorgets, 12 breast pieces, 12 corslets, 27 calivers, 14 pikes, 1 ancient staff, 12 halberts, 1 partisan or stipe, 35 bandoleers, 300 bullets (by estimation) in a box, 9 bullet moulds for calivers, 3 smaller moulds, 20 worms, 20 scourers, 2 old caliver locks, 1 little fire lock, 1 old pair of bullet slewes. *Endorsed:* "My lord's armour at Donington."

A List of Armour [at Ashby Castle].

1633, Nov. 19.—"An estimate what the Earl of Huntingdon's armour is worth," as follows:—9 white horseman's armour at the rate of 3*l.* 10*s.* apiece, being old yet most of them musket proof, 31*l.* 10*s.*; 12 horseman's armour white, having only breast and back, 12*l.*; 12 horseman's arms black, 8 of them at 4*l.* apiece, the other 4 wanting gorgets and collars at 3*l.* 15*s.* apiece, 47*l.*; 10 horseman's arms black, pouldrons, beavers, cuisselets and gauntlets wanting, at 2*l.* 6*s.* 6*d.*, 23*l.* 5*s.*; 2 pieces of black horseman's arms being the back and breast, 36*s.*; 12 horseman's arms black, 4 of them with beavers, 8 of them wanting beavers and all of them wanting collars, pouldrons, cuisselets and gauntlets, 24*l.*; 14 horseman's arms black, wanting headpieces, pouldrons, cuisselets and gauntlets, 31*l.* 10*s.*; 12 horseman's arms black wanting collars, cuisselets, gauntlets and headpieces, 34*l.*; 15 horseman's armour black, old fashion, 9 of them unserviceable, the other six at 2*l.* apiece, 12*l.*; 15 pair of horseman's pistols, 30*l.*; 36 case of horseman's pistols, 72*l.*; 32 bastard muskets or calivers, 12*l.* 16*s.*; 24 headpieces, 13*l.* 4*s.*;

18 headpieces, 9*l.* 18*s.*; 81 brown bills, 6*l.*; 24 footman's corslets, 25*l.* 4*s.*; 1 jointed armour, 1*l.* 4*s.*; 41 case of horseman's pistols, 82*l.*; 62 swords, 12*l.* 8*s.*; 17 daggers, 1*l.* 14*s.*; 11 armed halberts, 3*l.* 6*s.*; 87 pikes, 14*l.* 16*s.* 8*d.*; 19 bandoleers, 1*l.* 8*s.* 6*d.*; 34 hangers and 23 girdles, 3*l.* 8*s.*"

Then follows a list of the armour "At Donington":—"42 headpieces, 10*l.* 10*s.*; 43 gorgets, 11*l.* 7*s.* 6*d.*; 12 breast pieces, 3*l.* 6*s.*; 12 corslets, ———; 27 calivers, 10*l.* 16*s.*; 14 pikes, 2*l.* 6*s.* 8*d.*; 12 halberts, 1*l.* 10*s.*; 35 bandoleers, 2*l.* 18*s.* 8*d.*" Cf. *the list printed above*, p, 337.

Extracts from an Itinerary of Henry, fifth Earl of Huntingdon.

1636, Aug. 10-20.—"A note of my observations from Donnington unto Lea, my son[-in-law] Caulverlei's[1] in the county of Chester." The following are the more interesting portions:—

From Uttoxeter to Newcastle under Lyme is accounted but 12 miles, yet they are very long ones and may stand for 16 or 17 in the South. The ways are foul lanes, narrow, and the grounds on both sides enclosed, for the most part hard and barren but much enriched with a red marl which they lay both upon their arable and greensward. A black moorish earth is the fuel of most of the common people. The first town they call Transall, but the right name is Strange Hill.

Checkley is a little village yet a great parish. The church is a tower steeple and a large one for a country church, built of fair stone well battlemented, and as I take it hath ten fair windows on a side of the church and chancel and well seated after the ancient manner of open seats, and much coloured glass. In the chancel is a fair marble monument of one Sir Godfrey Foulgams [Foljambe]. The communion standeth in the middle of the chancel railed about with banisters, one step to go into it. The ends of the table stand east and west. In the churchyard over against the west door there are erected three stones standing like pyramids about a yard square with inscriptions upon them which are so old they cannot be read. The shortest of these stones is two yards long above the ground. They all differ in height and were placed there in memory of a great battle that was fought in the field not half a mile off, of three bishops that were slain there in the time of the Saxons.

Half the town of Burton upon Trent belongeth to the minister, who hath a fair house a quarter of a mile from the church. The parsonage is worth unto him betwixt 3 and 4 hundred pounds a year and is of great extent.

Newcastle [under Lyme] is a long town, the street very broad, ill paved and poor houses thatched and very few either tiled or slated. There is a reasonable fair town house. The

(1) The Earl's second daughter, Elizabeth, married Sir Hugh Calveley of Lea, knight.

church is a tower steeple, but neither fair nor handsome. It was parcel of the old abbey church. The castle stood at the end of the town beyond the bridge, having a moat almost as broad as a great pond about it. There is no more remaining but one great arch of brick like the entering into a gate house. It was built after another castle that stood two miles above it. A mile off is an ancient gentleman's house, built of stone, called Keele Hall, one Mr. Snead's.

From hence we go by Heighley Castle on the right hand, the ancient seat of the Lord Audley; now it is the Lord Gerard's. There is little besides the walls left.

From thence we go to a place called Royne Hill, Sir Rowland Egerton's.

From thence to Wybunbury. It is a fair country church and well seated with close pews like the manner of London churches, all of one form and height. The communion table railed and standing at the east window, well glazed with a great deal of coloured glass. There is a very fine pulpit of wood, with a great canopy over and 3 fair seats one higher than another by a step or two and made of a great squareness. In the lowermost sits the sexton, in the other the clerk, in the third the reader, and from thence about some 4 steps into the pulpit. Upon the wall of the alley that comes up of the south side there is a fair tomb of one Sir Thomas Smith; Hugh Hall of Ashby made it and it cost 150*l.*

Nantwich is a market town bigger than Loughborough and at the coming in thereof fair wooden houses and a broad street, but towards the middle of the town and where the market is kept the streets are but narrow. From the one end of the town to the other beyond the bridge is a long mile. The chief trade is making of salt. There is but one salt pit and spring. The pit is about 4 yards square and 10 yards deep, and when the water comes to such a height it runs out at a waste, which waste water, had they not abundantly enough, would serve to make salt for half England. The manner how they make it is this. They set pumps within the pit within a yard of the bottom, which they pump up into a cistern or reserve, from whence it runs through troughs of wood which are both narrow and shallow into 55 houses, where they boil it to salt, taking the water with a bucket out of a little cistern and putting it into great square pans of lead which are not deep and are to be removed up and down, for that after every day's working those leads must be soldered and mended. They use in some of the houses wood, in some coals, and after three hours' boiling it comes to be perfect salt. Each house work not above two or three days in a week, and some not so many, because they cannot have vent for the salt. The expense of fuel in wood and coal doth amount yearly to about 3,000*l.*, and the charges of utensils brings it that the best houses gain not (*de claro*) above 100 marks *per annum*, and some but 40*l.* or 30*l.*

About half a mile hence on the right hand is a fair gentleman's house of brick, one Sir Roger Wilbraham's that was one of the Masters of Request to King James, who lay here when he came out of Scotland in 1617. This knight hath builded an hospital in the street and on the same side his house stands. It is of brick, about 6 score paces from his house. It is for six poor, either men or women, who have about 5 marks apiece a year, and once in two years a gown. Each of them hath a several chamber.

At Acton is a very fair church. It is but a vicarage worth 120*l.* or 140*l.* a year, the impropriation in one Sir Richard Wilbraham of Woodhay. The minister preacheth twice upon the Sunday and Sir Richard cometh twice, though it be 3 very long miles and a foul way for him. The roof of the chancel is new made of wood and lower than it was by some 4 feet.

The country thence about is inclosed and, as it seems, so foul in the winter that they make causeways (cawseis) of pebble (pibble) about 2 feet wide for the horses to pass, and where there are deep sloughs (slowes) bridges to go over. The Lea is a fair old house of wood, almost a mile any way from a town.

West Chester is a large old city. There is ten parish churches in it. The streets at the coming in are large, but the cross street which is in the middle of the city is made narrower and seems not so fair as otherwise it would by reason of pentices that go on both sides of the streets which they go up to in divers places with stairs, that one may go dry in any foul weather. The shops and houses are behind those walks, the houses for the most part old and builded of timber. There is upon the side of the town an old ruinous castle, yet some buildings within it, which stands upon the river Dee. There are mills hard by upon this river esteemed to be worth (*de claro*) 500*l.* a year. There is a piece of ground a mile about encompassed with water, called the Roe Dee, where barks of some 20 or 30 tons come up from Nesson, which carry passengers into and out of Ireland. There is a fine bowling green in this ground, which is rich and worth 30*s.* or 40*s.* an acre *per annum*. The city used to train their soldiers there and to run horse-matches. In the Castle, near the County Hall, is a reasonable fair room beneath stairs which they call the Exchequer, where the Chamberlain of Chester or his vice-Chamberlain sits four times in the year, about a fortnight or three weeks at a time, and hears all causes for trial of lands, and his judgment is the final ordering of all matters within the County Palatine. There is no insignia of the office but that he hath at the times of sitting a tipstaff and a pursuivant that goes before him, and when he sits in the court the County Palatine seal in a purse of velvet with the arms of the County Palatine embroidered upon it is laid in the Exchequer upon a cushion on the table before him.

There hangs up by the wall side a broad and a long sword in an old scabbard embossed and studded, which when Hugh Lupus, Earl of Chester, was demanded by the King's officers how he held the County Palatine of Chester, he answered to the then Attorney General who brought a *Quo warranto* against him, that he held it *per gladium sicut rex tenebat per coronam.*

Wrexham (Rixom) is a town not so good as Loughborough, with abundance of poor people in it. There is a wonderful fair church, which was a collegiate church, and within these forty years had six singing men and boys in it. There is two pair of organs, one in the chancel and the other in the middle of the church, the latter almost as big as the organs in Paul's. The great organs play many several notes, and one which goeth like the drum hath the picture of a Saracen's head that jogs up and down as the organ plays. 8 *pp. A fair copy, not in the Earl's hand.*

Extracts from an Itinerary.

[Early 17th cent.]—"A note of remembrances of things in my journey," made by a surveyor of the manors and lands of the Earl of Huntingdon in cos. Devon and Somerset.

He describes Totnes as "a proper merchant town which is said to be chiefly enriched by pilchards, by which also the other two havens have got much. But Dartmouth is the meanest, for Totnes men are said to hold that up by their traffic." On the north side of Kings Sedge Moor, he says, "is a great hill called Compton Dan Don, whereof there is a speech touching a dragon." Of Hardington he says "the village is wholly enclosed and made pasture, and no house left but his own [*i.e.* Mr. Bampfylde], and he pulleth down the church and it is scarce known where the parsonage house stood, to which there is known to be glebe belonging, but where it lieth will hardly be found." 4 *pp.*

An Elegy to the memory of Alice, Countess of Derby, by Robert Codrington.

[1637.]—An unpublished MS. poem, in a small quarto volume of 37 written and 7 blank pages, entitled "An Elegie Sacred to the immortall Memory of the Excellent and Illustrious Lady the right honourable Alice Countesse Dowager of Derby and Queene in the Isle of Man. Dedicated to the right honourable and truly Noble the Lady Alice Hastings her most vertuous and lamenting grandchild. Composed by Her most humble and devoted Servant Robert Codrington Servant to his Majesty." It consists of three parts :—

(i) " As it was presented to the right hon^ble^ the Lady Alice Hastings."

" Madame to you, whose knowing worth can sette
A cleere Distinction 'twixt a counterfette,
And a true free-borne Muse, we doe present
This our last service, and relligious Rent
To that great Lady due, to whose high prayse
The mourning Muses doe this Altar rayse,
If any such oblations heere be found
That may invite Acceptance we are crownd,
If not our hope is that (as cleere hath shind
The constant goodnes of your Noble Mind)
You still with favour will be pleas'd to deale
With those that rashly doe offend through zeale."

(ii) " The Epitaphe."

" Why weepe you heere and take this Stone to bee
In vayne the Prison of Eternitie ?
Let your translated Piety and Love
Looke high, and ioyfull on the roomes above,
In those blest Derby lives, the Heav'ns inshrine,
And court her glorious Soule, which now doth shine
More bright by Death ; yet weepe ! for yet this Tombe
Holds Natures cheifest treasures, would you come
And all Perfections in one volume see,
Heere every Dust would make a history,
Which he that lookes on, and not spares a Groane,
Addes but more Marble to her Buriall Stone."

(iii) " Funeral teares and consolations."

Commencing—

" Let others boast theyr rages, and what fire
The urged closets of theyr Brests inspire,
The greatest honour which this Muse shall owe,
From waters only, and from teares must flow,"

and ending—

" Relligion shall rejoyce, and Heav'n shall smile
To see theyre pious troupes increas'd, the while
The gratefull world shall holy trophyes rayse
To Spencers honours, and high Stanleys prayse,
With that we thought the Resurrection came,
And took this labell from the mouth of Fame."

(180 *lines.*)

The title is written in silver upon black, and the outside covers are also blacked. Lady Alice Hastings has written her signature upon the first leaf, and added (but afterwards crossed out) " *Troppo.*"

Tracts by Lady Eleanor Douglas.[1]

1644-1652.—The following twenty-eight tracts are all unbound, and mostly uncut and unsewn. Only six of them appear to be in the British Museum. They consist for the most part of an almost unintelligible mixture of religion, politics and prophecy, the style of writing being so disjointed that scarcely one sentence has a clear meaning. They abound also in plays upon words of a most laboured description.

Of the following there are copies in the British Museum :—

1. "From the Lady Eleanor, Her blessing to her beloved daughter; the Right Honourable Lucy, Countesse of Huntingdon." 1644. 8 *pp. (imperfect).*

2. "The Day of Judgements Modell." 1646. *With the author's MS. corrections.*

3. "The Blasphemous Charge Against Her." 1649. 8 *pp. (incomplete).*

4. "Given to the Elector Prince Charles of the Rhyne from the Lady Eleanor, Anno 1633 [*rectius* 1651]." *Two copies. The last* 2 *pages of* no. 4 *and the first* 6 *of* no. 5 *are upon the same uncut sheet.*

5. "The Dragons Blasphemous Charge against her." 1651. *Two copies.*

6. "Tobits Book, A Lesson Appointed for Lent." 1652.

Of the following there are no copies in the British Museum :—

7. "A Prophesie of the Last Day to be Revealed in the Last Times; And then of the cutting off the Church, and of the Redemption out of Hell. The Word of God by the Lady Eleanor, etc. I am Alpha and Omega, the beginning and the end. Matt. 17, 11. Elias truly shall first come and restore all things. London, Printed in the yeare. 1645." 8 *pp. (incomplete).*

8. "The [Revealing of the Second] Co[mming of our] Lo[rd]. Dedicate[d]. Britt. . . . By the La: Eleanor. London, Printed in the Yeare, 1645." 24 *pp. Upon the last two (which are unnumbered) is a postscript. The title-page is torn, but the body of the work is headed* "The Revealing of Our Lords Second Comming. Revela. xi."

9. "The Gatehouse Salutation From the Lady Eleanor. Revelat. cap. 4. Serving for Westminsters Cathedral, their old Service. And Courts of Westminster, those Elders sitting, etc. February, 1646. Printed in the Year 1646." Being "A New Psalm or Song to the tune of Magnificat." *Written in rhyming couplets but printed at length like prose. 7 pp.*

(1) Daughter of George Tuchet, Lord Audley and Earl of Castlehaven. She married Sir John Davies the poet, Attorney General in Ireland, and their daughter and heir married Ferdinando, sixth Earl of Huntingdon. Sir John died in 1626, and three months after she married Sir Archibald Douglas, knt. She died in 1652. In 1633 she was imprisoned in the Gate House by order of the Court of High Commission and fined 3,000*l.* for publishing books of false prophecy without licence. *Cf.* the Introduction to this volume.

10. "The Mystery Of General Redemption. By the Lady Eleanor. 1 Pet. 1. 13. Wherefore gird up the loyns of your mindes, etc. and hope to the end, for the grace that is to be brought unto you at the revelation of Jesus Christ. Printed in the Year, 1647." 32 *pp. With MS. notes and corrections by the author. At p.* 24, *against the word* "Chasma" *which occurs in the text, she has written* "Chasma, a compound of Cha. and Ma. What a distance between them." *She means, of course,* "Charles" *and* "Majesty."

11. "The Excommunication Out of Paradice. By the Lady Eleanor. Gen. 3. So he drove out the Man. Printed in the Year 1647." *On the back of the title-page is a short address to Oliver Cromwell, dated August* 1647. 16 *pp. Two copies. With the author's MS. corrections. She has made the following additions upon the title-pages: above the title,* "Joh. 4. Except Yee see Signes & Wonders Yee Will Not Beleeve:" *; after the quotation from* Genesis, "Thes As seal'd or Confermd since Septemb. 3:"; *and after the date,* "By John Feild."

12. "The Writ of Restitution: By the Lady Eleanor. Psal. etc. Be wise now therefore, O ye Kings; Be learned ye that are Judges of the earth. Acts 3. 21. Whom the Heaven must receive, till the times of Restitution of all things which God hath spoken by the mouth of all his Prophets since the world began. Printed in the Year 1648." *After the date the author has added* "May. Before the Cause Came to Hearing And given the Judges Thes." 10 *pp. Two copies.*

13. *Commencing* "And without proving what we say. . ." *Dated* 1648. 5 *pp. numbered* 3–8, *lacking title. Sewn up with the last tract. Two copies.*

14. *Commencing* "Wherefore to prove the thing. . ." *Dated* 1648. *The same tract as the last, but considerably altered.* 5 *pp. numbered* 3–8, *lacking title.*

15. "The Lady Eleanor Her Remonstrance To Great Britain Lament. 1. 8. She remembreth not her last end; therefore she came down wonderfully. Printed in the Year, 1648." 8 *pp.* (*incomplete*).

16. "The Bill of Excommunication, For abolishing henceforth the Sabbath Called Sunday or First day. By the Lady Eleanor. Apocalips, cap. 1. Printed in the Year, 1649." 8 *pp.* (*incomplete*). *With MS. additions by the author.*

17. "The New Jerusalem At Hand: By the Lady Eleanor Douglas, Daughter of Lo: Audeley, Lo. Touchet, E. of Castlehaven. Je Le Tien. Mat. 28. Behold, I am with you all days, until the consummation of the age. Printed in the Year 1649." 8 *pp.* (*incomplete*). *Containing scornful allusions to King Charles's reign and death. One MS. addition by the author.*

18. "Sions Lamentation, Lord Henry Hastings, His Funerals blessing, by his Grandmother, the Lady Eleanor. Chron. 34. But Josiah would not turn his face from him, etc. Harkened not unto the words of Necho, which were of the

mouth of God. Printed in the year. 1649." *A postscript upon the last page runs as follows* :—" July the fourth, which Funeral train about noon passing through the City from the Piazza along those streets by the half Moon down the Strand, Temple-Bar, Fleet-street, up Ludgate and Old-bailey to Smithfield and St. Johns Street (worth observation) saw not the face of Coach, Cart or Car, which passed by, either that met us, or stood in our way, as witness can so many, Sun and Moon, as when stood still, Josh. x. Even so make no long tarrying, Psal. lxx." 10 *pp. Four copies. With the author's MS. corrections.*

19. *Commencing* " Presented a Letter or Petition from their tedious Distraction for a speedy Deliverance." *Dated* Nov. 1649. 8 *pp. numbered* 9–16. *No title.*

20. " The Everlasting Gospel. Apocalyps 14. And they sung a new Song before the Throne, and before the four Beasts and the Elders ; ver. 24. And no Man could learn that song, but the 144, etc. Printed in the Year of our Redemption, Decem. 1649." 14 *pp. Two copies. With the author's MS. corrections.*

21. " The Arraignment. By the Lady Eleanor. Mark 9. And he said unto them, verily I say unto you, that there be some of them that stand here, which shall not taste of death till they see the Kingdom of God come with power. Printed in the year, 1650." 8 *pp. (incomplete).*

22. " Of Times and Seasons Their Mystery. By the Lady Eleanor. Dan. 2. And Daniel answered and said, The Name of God be praised ; for Ages of Ages ; for Wisdom and Strength are his ; for he changeth the Times and Seasons, etc. Printed in the Year. 1651." 8 *pp. (incomplete).*

23. " Hells Destruction. By The Lady Eleanor Douglas. Apocal. Behold, the Devil shall cast some of you into Prison, that you may be tryed ; and you shall have tribulation ten days, etc. Printed in the year 1651." *Dated at the end*— " Easter 1651 From the Fleet." 16 *pp. With many MS. corrections and additions by the author. Upon the title-page she has added, after her name,* " The Jubile's release," *and, after the quotation,* " Ading, I knowe thy poverty But thou art Rich as fares with no few, theire means detaind etc." *The tract contains an account of her arrest and imprisonment.*

24. " The Benediction. From The A:lmighty O:mnipotent. I have an Errand to thee O: Captain. 2 Kings 9. 5. Printed in the Year, 1651." *A letter headed*—" For the Armies General, His Excellency," *signed* " Your Humble Servant, Eleanor ", *and dated* " O C tob. 28. Ao 1651." 3 *pp. (the last blank). Forty-six copies, of which eighteen are without the words* " From The A:lmighty O:mnipotent," *while three have it in MS. only. Many of the copies are in uncut sheets, two to a sheet.*

25. "The Restitution Of Prophecy; That Buried Talent to be revived. By the Lady Eleanor. John 16. He shall glorifie me; for he shall receive of mine, and shall shew unto you. Printed in the Year, 1651." *Signed and dated at the end*—"Ele: Da. et Do. Fleet. Candlemas. Her Purification. 1651." 56 *pp., of which* 4 *at the beginning are unnumbered and contain an address* "To the Reader" *dated* "Dec. 25 The Fleet." [*Mentioned in* Memoirs of Several Ladies of Great Britain *by George Ballard, at p.* 280.]

26. "Bethlehem Signifying The House of Bread: or War. Whereof informs, Whoso takes a small Roul to taste cures forthwith Distraction in the Supreamest Nature; with such vertue indu'd. By those Tormenters Firy Serpents as they when stung, were heal'd a view by taken of the Brazen One. Ezekiel 16. Cause Jerusalem to know her Abomination, etc. Printed in the Year, 1652." *Signed and dated at the end*—"June. Elea: Aud: Touch: Castleha: Da: & Do:" 12 *pp. Two copies.*

27. *Commencing* "Ezekiel, cap. 2," *after which the author has added* "His Writ Served of Rebellion Lamentation Mourning & Woe." 24 *pp. numbered* 1–24, *lacking title. Two copies. With the author's MS. corrections.*

28. *Commencing* "Apocalyps, Chap. 11. Its accomplishment shewed from the Lady Eleanor." *No title.* 8 *pp. Two copies. Some MS. additions by the author.*

RECIPES for the GOLDEN OIL and the PLAGUE WATER.

1655, June 2.—(*i*) "The Goulden oyle—Take wormwood, camamile, sage, of each of them a handful and of equayle wayte. You must gather your hearbes in May in the heate of the day and wipe them with a cleane cloath and sread them a little. Then lay them in steepe in two quartes of sweete sallett oyle a fortnight. Then take a pynte of lavender topes and a pynte of red rose budes cliped close from the white. Then putt them to the other hearbes as soone as you can gett them the[n] boyle them all togeather leasurely one softe embers two howres and sture them continually. Then strayne them and when it is could put it into your glases."

(*ii*) "The plauge water—Take rue wormewood mugworte burnet balme salladyne sage costermarye sorrell egremonye pimpernell margarom dragons marygould flowers featherfew wattercreases cardues mayweede angelicoe of each halfe a pound rosmary a pownd allicompane rootes slices halfe a pownd. Sread all the hearbes and lay them with the rootes to steepe 9 dayes in three gallones of the best white wyne. Then disstill the wyne and them togeather and keepe it for your use. You may take 3 spuanfulls at a tyme. It is agaynst all infectyones." *Endorsed:* "Jorge Tucke his physeiawly receates."

A Recipe for Bragget.

[17th cent.]—"The receipt for the making of the Earl of Huntingdon's braggott by Doctor Hunton of Newarke."

"Take fennell and percelie roots pithed, pæonie roots cutt thinn, the inner barke of ash, the inner barke of elder, of balme, miscletoe, sweet margeram, penny royall, hysope, betony, holy-thistle, of each one handfull: of tamariske two handfull, a few hoppes. Boile these in three gallons and a half of strong wort, till almost a gallon be consumed, then straine forth the herbes lightlie and putt to it a large quart at the least of life honny, boyling and scumming it well and throughly. When it is boiled putt barme to it, and in a linnen bagg with a weight hang in it two nuttmeggs, a good spoonefull of long pepper, thirtie cloves, three good razins of ginger, two spoonefull of anniseeds, halfe an ounze of sassafras, halfe an ounze of cortex Winteranii all in gross powder. This drink must be 14 dayes ould before it be drunke of."

Followed by a prescription for the Earl's "diet-drink."

A Prescription.

[17th cent.]—"A good receipt against the Jaundice, Consumpcion, or other weaknesse inwardes of the stomacke, liver or hart—Take a great peck of garden snailes, wash them in a bowle of beere, and put them into a great iron dripping pann, and sett them upon a hott fire of charcoale, and keepe them continuallie stirringe up and downe untill you heare them make no noyse att all. Then with a knife and a course clothe pick them and wipe away all the greene froth from them very cleane. Then put them into a stone morter and bruise them shells and all. Take allso a quart of earthwormes, flyce them and scowre them with salt, and then wash them cleane and beate them to peeces in a stone morter. Then must you make the pott very cleane upon which you must sett your lembeck. Then take two handfulls of Angellica and lay itt in the bottome and two handfulls of sallendine and lay itt on the topp of itt. Then put a quart of rosemarie flowers, and of egremomey and of bettony two handfulls of each, bare foote, redd docke rootes, the bark of a barberry tree and wood sorrill, of each of these a good handfull and an halfe, rue halfe a handfull, venecrick and turmerick of each an oz., saffron well dryed and beate to powther the weight of six pence. When all these are put into the pott, then put in the wormes and snailes last of all. Then powre in three gallons of the strongest ale you can gett, and cover the pott very close that no aire gett into itt, and so lett itt stand in the place where you meane to distill itt xxiiij howers. Then in the morneing, when you are to put fire under itt, you must open the topp of your pott and put in 3 oz. of very good cloves beaten to powder, vj oz. of hartshorne shaveings, but stirr not the pott att the bottome but presse them downe.

Then sett on your limbeck and make itt fast with a peece of rye dough. Then make the fire under itt and drawe itt gently. The first watter is the strongest, and itt must be received by itt selfe; the last water is smaller which may be amended by puttinge in some of the stronger. When it is used, the water must be given to the patient in the morneing, who must fast two howres after itt and not sleepe upon itt. Or itt may be given betweene meales, two howers from each meale. You must take two spoonefulls of the strongest sort and 4 spoonefulls of beare, and when you give of the smallest sort as much of the water as beare."

A Poem by Bathsua Makin.[1]

[1656—1679.]—Inscribed to the Countess Dowager of Huntingdon [probably Lucy, widow of the sixth Earl]:—

"Illustrious Lady, where shall I begin
To speak your praises? or your merit in
Such rare perfections of both sexes joind,
And here epitomiz'd? Where shall we finde
Your paralel? for learning humane & divine?
For vertues where true piety doth shine?
A president for Ladies of this age,
So noble, humble, modest & so sage;
For French, Italian, Hebrue, Latin, Greek
The ornament of our sex; where may we seek
Another like her self? it is not here,
England affords not such another Peer.
The Muses are divided and contend
Who shall your splendid rarities commend,
Minerva she comes in among the throng
And chides them all for their poor empty song,
that reaches not above the hemisphare
Of our Meridian, for her race whose yeares
are by extraction of most noble birth,
Transcending chief nobility on earth;
Be silent then & let seraphick laies
Speak out the rest, you cannot reach Her praise."

Holograph, signed: "Bathsua Makin."

A History of the Family of Hastings, Earls of Huntingdon, by Sir William Dugdale.

1677.—An original MS. of Sir William Dugdale, entitled "Historicall and Genealogicall Collections, of the Family of Hastings, Earls of Huntingdon. Extracted from Originall Deeds, charters, manuscripts And other Authentick Evidences, collected, digested, And Written By Sir William Dugdale

(1) Tutoress to the daughters of Charles I and reckoned the most learned woman of her time. See also this Report, ii, 145.

Knight, Garter King at Armes. A: D: MDCLXXVIJ." This title has been added by Theophilus, seventh Earl, who has made a number of corrections and additions throughout. The MS. is contained in a vellum-bound book of 96 leaves, of which the first and the last 10 are blank, and written very neatly upon one side of the page only, though notes and additions sometimes appear upon the other side.

It comprises the whole matter contained in the account of the family which Dugdale printed in his *Baronage*, Vol. I, *pp.* 579*—589[1], and down to the death of William, Lord Hastings, the two are practically identical[2], save that the MS. commences at a slightly earlier period and that in the printed history there are not so many extracts from family deeds. After the death of Lord Hastings the MS. becomes very much fuller, the additions consisting chiefly of extracts from family settlements and wills; it is continued down to the death of Ferdinando, sixth Earl, in 1656. The introductory matter which does not appear in the *Baronage* is as follows :—

" As an exact discovery of those fountaines, whence many eminent Rivers do flow, hath been too hard a taske for the skilfullest Geographers; so is it to the most expert Genealogists, to finde out the originall of divers great families: for apparent it is to those, who have look't back into former times, that no person antiently had any appellation whereby to distinguish him, than meerely single: so that identitie of Names at length, through the number of Inhabitants in each Village, causing it difficult to know one from another, Necessitie occasion'd some better discrimination; which was by adding the father's name. Thus did the Hebrews, calling *Melchi* the son of *Addi Melchi ben Addi* &c. Consonant whereunto the Britans interposed the word *ap* for *mab*, betwixt the name of the *son* and the name of the *father*; as *Rese* ap *Morgan*, which is as much as to say *Rese* the son of *Morgan*; and where need required, the Granfather's name; as *Rese* ap *Morgan* ap *Howell*. The like did the Irish by the syllable *Mac*, as *Donagh* mac *Teige*, id est *Donagh* the son of *Teige*: the Saxons *sunn*; as *Ælfere Withlaf's* sunn, which is Ælfere the son of *Withlaf*; or *ing*, as *Ceonred Ceolwalding*; id est Ceonred son of *Ceolwald*: and the French the word *fitz*; as *Willm Fitz-Osberne*, for *William* the son of *Osberne* &c.

" But this practise being at length found somewhat confused, the French first began another manner of notification, which was from their places of residence; as *Godfrey de Mannevile, Walter de Vernon* &c. In imitation of whom our ancestors (the

(1) Four pages, numbered 579*–582*, were printed to replace *pp.* 579, 580, of the *Baronage*. They are not to be found in all copies, but two of those in the British Museum contain them. It is with these supplementary pages that the MS. is identical.

(2) From the words " Comines . . ." at *p.* 583(a) of the *Baronage* to the words " . . . to be seen " at p. 586(a), the MS. is word for word the same, with only one or two very slight exceptions.

old English) shortly after the Norman-conquest, began to do the like; as *Roger de Clifford, Girald de Windesore, Adam de Aldithley* &c. And those who were not Lords of Mannours from their vicinitie to such remarkable places as were neerest to their habitations; as *Wood, Hill, Dale, Poole, Brooke, Greene* &c. or from Trades, as *Sadler, Smith, Taylor, Weaver* &c.

"ROBERT—From which observation it may very well be presumed, that ROBERT DE HASTINGS, who (together with *Raphe* fitz-*Raphe*) was Port-Reeve[1] of that notable Haven-towne called HASTINGS in Sussex in the time of K. *Henry* the first, did thereupon assume his surname from thence. Whether he was of French extraction is hard to say; but in case he was, certain it is that there were those of that Nation which chang'd their surnames after their setling here, as *Robert de Toeni* a Norman did; who seating himself at *Stafford* (the cheif town of the County) called himself *Robert de Stafford*, and became a great Baron in those parts.

"WILLIAM—To this ROBERT DE HASTINGS succeeded *Willm de Hastings* (his son out of doubt) Steward to the same K. Henry; from whom the antient Earles of *Pembroke* did descend.

"Other there were of that name, soon after; vz[t] *John* and *Thomas de Hastings*, whether Brothers or younger sons of *Willm* it is not cleere: from which *Thomas* the modern Earles of *Huntingdon* are certainly sprung, as will appeare by and by.

"THOMAS—. . . ."

The following statements which occur in the MS. are noticed as furnishing information which would seem to be new:—

Dorothy, the second daughter of George, fourth Earl of Huntingdon, who was married firstly to Sir George Wharton, son and heir of Philip, Lord Wharton, and secondly to Robert, Lord Dillon, afterwards Earl of Roscommon, died in childbed July 22, 1614, having had no issue by either of her husbands except such as died in infancy.

Theodosia, the second daughter of Francis, Lord Hastings, son of the fourth Earl, was born after her father's death, and, dying in London September, 1671, was interred at Ryhall, co. Rutland, by her husband Sir Francis Bodenham, leaving issue one daughter, her heir, named Frances, who was married to Charles Fortescue of Husband's Bosworth, co. Leicester, esq.

The marriage of Henry the fifth Earl with Lady Elizabeth Stanley, Jan. 15, 1601, took place at Stoneleigh, co. Warwick, the seat of Sir Thomas Leigh, knight, her uncle by marriage, his wife being a daughter of Sir John Spencer of Althorp, co. Northants., and a sister of Alice, Countess of Derby, Lady Elizabeth's mother. This Earl died "of a lethargy"[2] Dec. 14, 1643, and his wife Elizabeth died "of a consumption"[2] at the Earl of Bridgewater's house in the White Friars Jan. 20, 1638.

(1) "*Ex precepto dicti Regis eis directo.*"

(2) The words in inverted commas were added by Earl Theophilus.

Of Ferdinando the sixth Earl the MS. says :—" The late grand rebellion (raysed by the *Puritans*) breaking out, he retyred in November 1642 from those Lords, who continued sitting at *Westminster* to countenance and support that wicked Insurrection, and resided in his Majestie's Garrison at *Ashby* being his owne House, then newly mann'd and fortifyed by his valiant Brother (*Henry Ld. Loughborough*).

" Soon after which his father's death hapning ; viz. 14 *Dec.* A° 1643, he tendred Livery for his lands ; but the flame of warre increasing, and it not perfected, he continued sometimes at *Ashby*, and sometimes in the Garrison at Litchfeild, and elsewhere, till all being lost, he saw those goodly Towers at *Ashby* made utterly ruines, in 1648, by virtue of an Ordinance of the then Parliament which passed 25 Nov. the same year for demolishing all such places of strength, amongst which this was particularly mention'd.

" Wch destruction at *Ashby* was cheifly carryed on, by *Thomas* Ld. *Grey* of *Groby* (son and heir to *Henry*, at that time Earle of *Stanforde*) one of the late King's murtherers ; who having a former (though unjust) quarrell with this family, tooke occasion, by his power wth the late usurpers, to revenge it thus : the meanes whereby he effected these his unworthy Ends, being by their Committee then sitting at *Leicester*. Wch Committee having sent some of their members to view the place, imploy'd divers persons to demolish them, by undermining ; *Willm Bainbrigg* of *Lockinton*, in the same county gentleman (commanding a partie of Horse for that occasion) having the oversight thereof. . . .

" But the Sequestration, and at length decimation of his Estate, by the power of the before-specifyed usurpers, much increasing his Debts (as was then the fate of most other of his Majestie's best subjects) his estate in Ireland being for many yeares also lost, by reason of the warrs there ; his mannor-house of *Lisgoole* burnt to the ground (wth sixty persons, men, women and children consum'd therein) His eldest son (*Henry* Ld. *Hastings*) likewise departing this life, in London, of the small pox 24° *Junii* A° 1649 on the hopes of whose marriage portion, wth *Elizabeth*, daughter and coheir to Sr *Theodore* de *Mayenne* kt. (a Switzer by byrth) he cheifly depended[1] ; and himself made prisoner in the *Fleet* for debt ; he became necessitated to part wth divers lands of good value : and to that end, by reason of the before-specifyed Entaile, procured an Act from those Magnifico's sitting at *Westmr* in a° 1653, and calling themselves a Parliament, to enable him to make sale of the Mannor of *Loughborough*. . . ." He died Feb. 13, 1656, " of an asthma."[2]

(1) This explains the reference to the dead Lord's " spouse " which appears in the ode which Dryden contributed to *Lachrymae Musarum*, the collection of memorial poems published in 1649, the year of his death.

(2) These words are inserted by Earl Theophilus.

Ferdinando, sixth Earl of Huntingdon, and Sir John Davies, his father-in-law.

[End of 1674.]—Some biographical notes[1] made by the Earl's son and successor Theophilus. According to these Ferdinando was born June 18,[2] 1608, and was married to Lucy, daughter and heir of Sir John Davies, in 1623 at the house of the Countess Dowager of Derby at Harefield, co. Middlesex, "at which time a licence being forgotten to be procured, Abbotts at that time being lord A.B. of Canterbury became exceedingly incensed at the proceeding, looking on it as a great contempt to the ecclesiastical laws, especially in persons of that quality, and therefore threatened an excommunication on the whole assembly. Nevertheless he became at length appeased, it being found out that the person who married them was not in full orders being only a deacon. Whereupon as an expedient they were remarried the 7 August the same year at Sir John Davys' house at Englefield. But by reason of the youth of this couple, the Lord Hastings being then little more than 15 and his lady not eleven (being born in the city of Dublin 20 Jan. 1612[-13]) it was not held convenient they should cohabit together, whereupon he went to Cambridge where he studied for some time in Queen's College, his lady remaining with her father."

Of Sir John Davies the writer says—"He was son to Edward Davys of Tisbury co. Wilts. by Mary his wife daughter to [John[3]] Bennett of Pitthouse co. Wilts. esq. (descended of an ancient family in Wales), which Edward accompanying Sir William Herbert (whom King Ed. 6 created Earl of Pembroke) when he first came into England seated himself in that county, where this his son was born." John Davies accompanied the Earl of Sussex into Scotland at the christening of Prince Henry in 1594, at which time King James took special notice of him and at his coming into England conferred the honour of knighthood upon him. He died Dec. 7, 1626, of an apoplexy at his house in the Strand near Charing Cross, whereupon ensued a tedious suit between the Lady Eleanor his widow and the Lord Hastings her son-in-law concerning the manor of Englefield, co. Berks., which she claimed as her jointure. But it was proved that the deed whereby her husband had granted her the manor had been revoked by him "upon a great provocation in bitter and reproachful words given him by this his lady." After that he made her another jointure of the same lands during her widowhood only, which she soon made void by her marriage with Sir Archibald Douglas, knight. In 1673 Lucy, Countess Dowager of Huntingdon, sold all her Irish lands, those in co.

(1) There are numerous corrections in the hand of Sir William Dugdale, for whom these notes were no doubt compiled, as they are incorporated in his MS. history of the family noticed at *p.* 348. *Cf.* Introduction to Vol. I of this Report, p. vii, n. 1.

(2) The date given in the *Complete Peerage* is Jan. 18.

(3) See *Dictionary of National Biography*.

Tyrone to Edward Edwards, and those in co. Fermanagh to Ferdinando Davies, son to John, son to Edward, brother to the said Sir John Davies.

To Earl Ferdinando succeeded Theophilus his son, who has Thomas, Lord Hastings, born Nov. 3,(1) 1674, and is now living. 9 *pp., mostly scored through.*

THEOPHILUS, seventh EARL OF HUNTINGDON.

[End of 17th century.]—A slight autobiography written by the Earl in continuation of the foregoing notes upon his father. He states that he received his education according to the direction of his mother, the Dowager Countess, "being wholey domesticke, till having attained the age of twenty and one years hee maried by her choice on 19 Feb., 1671[-2], in Southampton House chappell in New Southampton Buildings London, Elizabeth, the eldest daughter and coheire of Sir John Lewys of Ledston and Marr in com. Ebor, knight and baronet, the second and youngest daughter Mary being about the same time maried to Robert Earle of Scarsdale," the marriage portion which he had with the said Elizabeth being about 4,000*l.* in money and household goods and 600*l.* yearly in lands of inheritance.

He came to reside at Donington in May, 1672, and continued there till Dec. 4, 1677, when he removed to London. But coming very seldom to the Court, it was intimated to him that if he waited on the King he should be well received, and accordingly he had the honour to kiss the King's hand at Whitehall Oct. 21, 1681, and from that time had access to him on all occasions. He was in the King's bedchamber at his death, Feb. 6, 1684[-5], and was one of the assistants to Prince George of Denmark, the chief mourner at the funeral. He was one of the Commissioners of the Court of Claims which sat in the Painted Chamber prior to the coronation of King James II, and at the coronation he went in the procession after the King as Captain of the Band of Gentlemen Pensioners, while at the feast in Westminster Hall the same day he officiated as cup-bearer to his Majesty.

He was one of the lords who sat on the trial of Henry, Lord Delamere, Jan. 14, 1685[-6]. He was present, June 10, 1688, in the Queen's bedchamber at the birth of the Prince of Wales, as also at his baptism and more solemn christening in the Benediction Chapel at St. James's.

On Dec. 3, 1688, he took post for Plymouth, where his regiment was quartered, but John, Earl of Bath, Governor of the citadel and town, most traitorously and perfidiously did, upon terms of money concluded between [*sic*] Admiral Edward Russel at a meeting at Saltash, engage to declare for the Prince of Orange, and to receive his fleet into the harbour and keep

(1) Nov. 12 in *Complete Peerage*. He died March 2, 1675.

the garrison for his service. "To facilitate this there was a corospondence between Ferdinando Hastings, Livetenant Collonel of the Earle's regiment, and the Earle of Bathe—which most forward to prostitute the one his honour the other his honesty is hard to say—but they two combining togather, and severall of the officers and soldiers, by connivance of the Governor, being gon over to the Prince, then at Exeter, they tooke occation when the Earle was att dinner by invitation at the Governor's house to garbell the regiment, part of the officers being put out of the fort and confined in baracks. Such of the private soldiers whom they found would not comply with their wicked designs, and the Earl the Colonel, they made prisoner in a lodging in the garrison, upon which they read the next day the Prince of Orange's Declaration with repeated Huzzas. So that, except the Roman Catholick officers and Captain Charles Hatton, younger son to Christopher late Lord Hatton, they all revolted." The Earl remained a prisoner until Dec. 26 following when, his lady having died in childbed two days before, he obtained his liberty by warrant from the Prince of Orange and returning to London retired from all public employments.

He refers to the letter which he received from King James in 1692 (*cf. below*, p. 356) and which led to his being committed to the Tower:—"Having received a letter from the King under his signet and signe manuall, which hee directed to most of his late privey Councell, to endeavor to bee present at St. Germains en Laye at the birth of the royall infant, which the Queen then went with all, that if possible the like malitious scandalous and infamous reports raised at the birth of the prince of Wales might bee prevented, this Earle pursuant to those commands mooved by letter Daniel Earl of Nottingham for a licence to goe to St. Germains for such a time as the Queen (King William being then in the Lowe Countrys) should permitt."[1] $9\frac{1}{2}$ *pp.*

The Earl of Huntingdon's Explanation of his having acted as a Commissioner for Ecclesiastical Causes.[2]

1689.—The late Commission for Ecclesiastical Causes having been so solemnly condemned by this Parliament, I think it necessary to observe that which may take off those hard thoughts that may be had concerning me.

I neither advised nor was any way privy to the issuing out the first Commission in August, 1686, for I knew not anything of it till the late King at Hampton Court acquainted the Lords of the Council with such his intention. Neither did I sit in that Court till January, 1686[-7], when, the Commission being then renewed the third time, my name was inserted.

(1) *Cf.* below, pp. 356. For the Earl's letter to Nottingham, and Nottingham's reply, see Vol. II of this Report, p. 222, and *cf.* Introduction thereto, p. xvi.

(2) It was in consequence of his having so acted that he was excluded from the Bill of Indemnity.

This Commission was represented to me no ways contrary to the Acts of Parliament which have taken away the High Commission Court, because the powers are only such as are exercised in the Spiritual Courts at this day, both in form of proceedings and in the decrees and sentences by admonitions, suspensions, etc., and not by fine, imprisonment, or any other corporal punishment. What did more mislead me was that there sat and acted persons in the highest stations both in the law and in the Church, neither did I understand my Lord of Canterbury refused to sit upon account of the illegality of the Court but that it was an umbrage to his jurisdiction as Metropolitan, he being not made one of the quorum. As to the Earl of Rochester, whom I succeeded, I was informed he sat there till, leaving the Treasury, he declined all other public business, and this among the rest.

None of the Commissioners save my Lord Chief Justice Herbert sat so seldom as myself. In summer 1687 I was absent in the country four whole months.

In many things I dissented from the judgment of the Court, though that cannot be known, the deliberation and sentence being resolved on in private.

The suspension of the Bishop of London was before I came into the Commission, and I was purposely present at the last act done by them, which was to take off that suspension.

As to the affair of Magdalen College, most of the resolutions concerning it were made in my absence, and when the Bishop of Chester, the late Chief Justice Wright and Justice Jenner went to Oxford and had executed their commission against the college, the rest of the Commissioners, before coming to any resolution, ordered the King's Counsel to attend with their opinions how far by law they might act; and Sir Robert Baldock and others affirmed the legality of that proceeding, which induced the Commissioners to act as they did.

Persons in those times lay under great difficulties after almost all the judges of England had delivered their opinion for the dispensing power, which was the root and foundation of these proceedings. Yet when the Declaration of Indulgence was enjoined to be read by the clergy and those held criminal who refused it, I was so much dissatisfied therewith that I was the first that declined sitting there, even before the Bishop of Rochester sent his excuse for absenting.

It is well known in these difficult times I was a'ways steady to the religion of the Church of England. I hope there will be a difference made between me and those who for their own interest and advantage and private gain have carried the King to these and such like extraordinary proceedings.

1 *p. Not in the Earl's hand. There are five other draft statements in much the same terms, two of them being in the Earl's hand.*

The CASE of THEOPHILUS, seventh EARL OF HUNTINGDON.[1]

1692, June. The Tower.—" On Monday 16 May, being then at Donington Park, I received a letter by the post, the outside paper charged with about 2*s*., being a foreign letter and so to be paid for, though within privilege of Parliament. The inside was a letter with a flying seal in wax, and as I remember the impression (being no larger than a small milled penny) were the arms of England quarterly with a crown over it. The letter was directed to me as one of King James' late Privy Council,[2] with a blank for my Christian name, and the inside was signed 'James R.' at top and 'J.R.' at the bottom, not countersigned by any person. How it came down to me I cannot tell, or whether it was really a letter from King James I am not able to say, having received no letter or paper from him since I left London and went down post to Plymouth, which was on 3 November, 1688, being Sunday.

" This letter I no sooner received, but immediately I sent up a servant of mine N[evill] R[idley] post with the packet the same night and enclosed it in a letter to the Earl of Nottingham, Principal Secretary of State, together with a letter of my own, which after some delay at last on Friday 20th of that month he delivered into his own hands at the Secretary's office at Whitehall. *Vide copy of King James' letter and mine to Lord Nottingham.* The answer my Lord Nottingham returned him was that he would shew the letter to the Queen, and ordered him to come to him the next evening. Accordingly he went and the answer my lord gave him was that he had shewed the Queen the letters and she thought it convenient I should come to town, in order to receive her Majesty's further pleasure. This letter I received by the post on Monday 23 May and accordingly did prepare to come to London. I set out on Thursday morning that I received a letter from my Lord Nottingham ['vide the letter,' *in the margin*], which agrees with the message by N[evill] R[idley]. I went in my own coach 13 miles to Belgrave, and was accompanied by my wife, intending from thence to go on horseback the rest of the way. Being there, my wife was desirous to go along with me to town, which she did, though I was forced to buy a horse of Mr. Henry Hastings to carry her up on the road, and did hire another for Mrs. Elizabeth Wilton her woman, so small was my equipage. I had a lodging taken for me in Brownlow Street in Holborn till I could provide one for myself, the person that took it not knowing that my wife came up with me; and I did intend to remove from thence the same week I was taken into custody by the sergeant at arms. But at this place I did not conceal my name nor avoided seeing my friends and acquaintance, so little had I of guilt in myself.

(1) See also above, *p.* 309.

(2) For the contents of the letter see *p.* 354.

" On Monday in the evening I went to the Secretary's office at Whitehall—*vide the relation*. Being dismissed thence, I visited my acquaintance without the least absconding, as appears by my being taken on Wednesday 4 May by Thomas Pain, sergeant at arms, about 7 a clock in the morning as I was rising out of my bed. From thence I was carried to Whitehall, where without examination the sergeant at arms carried me to his own house on Millbank, Westminster, and stayed there till ten a clock the next night I was removed to the Tower by warrant signed by the Lords and others of the Privy Council, and have continued there ever since.

" This being matter of fact, I observe these things—

" 1. That any man might receive a post letter though never so dangerous matter was contained in it, without being accused to correspond with the King's enemies, especially doing as I did, to send the letter to a Secretary of State.

" 2. That I came to town only on the account of the message and letter I received from my Lord Nottingham.

" 3. That my attendance could not be thought so numerous as to be dangerous, having only my *valet de chambre*, groom, footman and two women.

" 4. That at my coming up I did not abscond, but within two days after I came up I went to my Lord Nottingham, when I was called in before the Cabinet Council. I did not insist upon going; I declared myself to be an observer of the laws, and when I found it was not agreeable to the Lords, as I did not urge it further, so I did make no preparations in order to go, but wholly laid aside any thoughts of it.

" 5. If to go without licence to France be high treason, surely to desire a licence barely and not following up on it cannot be esteemed so, else what would that exception signify?

" 6. That all letters and communications I had related only to the delivering the letters to [the] E[arl of] Nott[ingham] and my coming to town and not to my going for France."

3 *pp.* *Headed:* " My Case. Begun 18th June 1692."

The Dispute between Lord Hastings and his father Theophilus, seventh Earl of Huntingdon.

1696, Dec. 14.—Drafts of the Earl's answer to the petition presented by his son to the House of Lords[1] praying liberty to proceed against his father in any court of law or equity

(1) For letters relating to this dispute, see Vol. II of this Report, and *cf.* Introduction, pp. xvii, xviii, where, however, it is erroneously stated, on the authority of a letter from Sir John Talbot to the Earl, that Lord Hastings was dissuaded from presenting his petition. The dissuasion was only temporary. The petition was read in the House of Lords on Dec. 14 and the Earl's answer delivered on Jan. 8. On Jan. 21 seven peers were appointed to endeavour to arrange an accommodation, but they reported on Jan. 29 that they had been unsuccessful, the Earl however announcing his willingness to waive his privilege in any suit brought against him by his son. See the *Journals of the House of Lords* for those days, and for Jan. 20.

for obtaining and discovering certain deeds of settlement and gaining possession of certain lands in Yorkshire[1] which belonged to his deceased mother and are now in the hands of his father, as guardian and trustee, and of which he claims to be tenant in tail.

The respondent intends to rely upon his privilege. Although the petitioner has been properly maintained by him at school, the university and in his own home, yet in December of last year, being then between 17 and 18 years of age, he left the respondent and took lodgings in London and elsewhere and, in spite of numerous requests to return, has ever since refused to live with him, and further has rejected all the advantageous matches which the respondent has from time to time proposed. The respondent is in possession of the estate in question by virtue of a settlement made by his late wife six years after their marriage; notwithstanding which the petitioner with one Ibbotson in April last went to Yorkshire and ordered the tenants to attorn to him and pay him their rents, which however they refused to do. The respondent prays their lordships to dismiss the petition, especially as being one presented by a minor against his guardian, by a son against his father. 8½ *pp.* *In the Earl's hand.*

Poetry.

A MS. volume, some of the poems in which are printed in Nichols' *History and Antiquities of Leicestershire* as by the Rev. Thomas Pestell [1613-1701], vicar of Packington. A large number of single poems, chiefly of the 17th and 18th centuries, in English, Latin, French and Italian, mostly anonymous. Complimentary and memorial verses. Copies of poems by John Wilmot, Earl of Rochester, Samuel Garth and others.

Note.—There has recently been published: The Poems of Thomas Pestell. Edited with an account of his life and work by Hannah Buchan. *Oxford,* 1940.

(1) "The manor or barony of Bradley and Collingham, the rectories of Bradley and Collingham and all other hereditaments there and in Wike, Bowley, Rigton, Micklethwaite, Compton and Clifford."

XIX. LETTERS AND PAPERS OF THE GRAHAM FAMILY: CHIEFLY RELATING TO THE DISPOSAL OF THE ESTATES AND TITLES OF THE EARLS OF AIRTH AND MENTEITH AND PROPOSALS FOR THE MARRIAGE OF HELEN, DAUGHTER OF SIR JAMES GRAHAM.

[William Graham, seventh Earl of Menteith and first] Earl of Airth(e), to his son, Sir James Graham(e).

1645, June 25. Holyrood House.—"James, I have received your letter and it is so late this night and the bearer must return in such haste and I am not well that I cannot return an answer with my own hand. Always I protest to God I find that you are clearly mistaken both in this bond and in my letter to you. For you, my Lord Gray and the other two are only bound by this bond to relieve Keir [Sir George Stirling of Keir] of his own third part of the sum, for he has Sir [John] Ruthven's bond that he shall be troubled for no more, which at the worst is but ten thousand pounds, and, if I keep, is but eleven thousand and a hundred marks, whereof he hath received three thousand pounds and some odds by my silver plate. So that at the worst this bond is for all you four but seven thousand pounds, and, if I keep, for far less; which I protest to God for all the world shall not put that infamy upon me as to be perjured, come what will.

"But to give you satisfaction in these two scruples which are moved by you and Bowquhaple, the first that you two, with Patrick Monteith, are bound to relieve the Lord Gray of his judgment (by a marginal note), the Lord Gray is content and has desired me to put out that marginal note. . . The next is that the sum is not filled up for which you and the other three are bound to relieve Keir. I have desired that that sum shall be filled in for seven thousand pounds. . . .

"As for the principal contract betwixt Sir John Ruthven and me, you shall never any of you put your hand to it until I give all of you a sufficient relief, so that you are in far better case than before by subscribing of this bond, which Keir only desires because of his incarceration. . . . Therefore I desire you (as you desire not to be the cause of my disgrace) to subscribe this bond and send it to Bowquhaple with this bearer, which he will subscribe, lest you be thought the only cause of my dishonour. For if I be an honest man, you are cautioners for nothing, and at the worst for less now than before. And, God willing, I will live (in despite of all difficulties) to see and censure every man as they have deserved.

"As to your writs for your own particular, they will be ready on to-morrow at night, and shall be immediately sent to you, unless you prove the most ingrate child that ever was born in a thing that concerns you nothing. . . ." *Signed.*

AUTHORITY.

1647 (?), Nov. 7. Airth.—Signed authority from William, Earl of Airth, to his son Sir James Grahame "to set our house beside Holyrood house" to what parties would take it, either in whole or in parcel, with full powers of sale—the proceeds to be employed for the use and benefit of Sir James, upon the conditions agreed between them.

DEED.

1650, May 25. The Isle.—Deed whereby William, Earl of Airth and Menteith, declares that, notwithstanding his second son Sir James Grahame has, for moneys paid him, etc., given him a discharge of "all and whatsoever patrimony, bairnes pairt of goods, portion natural or any other thing whatsoever" which he could ask of him, yet a certain assignation made by the Earl to Sir James July 26, 1632, of the sum of 3,000*l.* sterling as one part of the sum of 15,000*l.* sterling granted to the Earl by the late King under the Great Seal shall in no way be comprehended under such discharge, but shall remain in full force. *Signed,* Airthe, *and witnessed.*

DEED.

1654, Oct. 11. Isle of Menteith.—Deed whereby William, Earl of Airth and Menteith, appoints his second son Sir James Grahame his proctor, actor, factor and commissioner to pass to the Protector his Council and the Parliament of the Commonwealth, to require and, if necessary, plead for the payment of the sums of 15,000*l.* sterling and 7,000*l.* sterling (together with the annual sum of 700*l.* pending payment of the latter), according to the grants made to him by the late King. *Signed,* Airthe, *and witnessed.*

See Fraser, The Red Book of Menteith, i, 346; ii, 66.

DEED.

1654, Oct. 11. Isle of Menteith.—Deed, reciting the above deed of even date, whereby William, Earl of Airth and Menteith, grants to Sir James Grahame, his second son, his honest charges and expenses in connexion therewith, together with "the sum of ——— which is the just sum that Capt. Alexander Bruce has upon our lands of the earldom of Airth lying within the sheriffdom of Stirling, conform to his infeftment of the same," with power to redeem such lands from the said Captain Bruce; reserving to the Earl and his wife Agnes Gray their

live rents of the lands during their lifetimes, and with the proviso that Sir James shall grant a sufficient and perfect reversion in favour of William, Lord Kilpount, and his heirs male to redeem the lands from Sir James by payment to him, within seven years after the date of his redeeming them, of the same sum. *Signed*, Airthe, *and witnessed.*

DEED.

1654, Oct. 11.—Deed whereby Dame Agnes Gray, Countess of Airth, etc., by consent of her husband the Earl appoints Sir James Grahame, her son, her proctor, actor, factor and commissioner to pass, etc. [*as in the deed next but one preceding*] to require payment of a pension of 500*l.* sterling granted her by the late King yearly during her life by warrant under the Privy Seal dated at Holyroodhouse Nov. 16, 1641, and registered at Edinburgh March 12, 1642. *Signed*, A. Gray. "Airthe consents."

"An INVENTORY of the WRITINGS delivered by WILLIAM EARL OF AIRTH and MONTEATH to SIR JAMES GRAHAME his second lawful son."

1654, Oct. 11. Isle of Menteith.—(*i*) A gift granted by the late King to the said Earl, for his faithful service, of 15,000*l.* sterling, upon the advice of the late Earl of Morton, principal Treasurer, Comptroller and Collector of the new augmentations, and with the consent of John, Lord Stewart of Traquair, Deputy in the said offices, and of the remaining Commissioners of the Exchequer. Given under the Privy Seal at the Court at Whitehall, Dec. 28, 1631. [See *The Red Book of Menteith*, i, 346.]

(*ii*) A letter directed by the late King to Viscount Dupplin, Chancellor of Scotland, the Earl of Morton, Treasurer, and the remaining earls, lords and others Commissioners of the Exchequer for "expeiding" the said grant. Dated at the Court of Whitehall, Jan. 13, 1632.

(*iii*) A charter granted thereupon under the Great Seal, at the Court of Whitehall, Feb. 26, 1632.

(*iv*) A grant passed by the late King to the said Earl of the sum of 5,000*l.* sterling, bearing an express warrant "to expeid and take to him for payment of the same," notwithstanding any Acts of Parliament, etc. Dated at the Palace of Holyrood House, Nov. 12, 1641. [*Ibid.*, ii, 64].

(*v*) A grant passed by the late King for "expeiding" a current lease, from five years to five years, of 700*l.* sterling yearly out of the lands of Fife and Monteath, redeemable by payment of 5,000*l.* sterling. Dated at the Court at Beverley, July 18, 1642, and registered at Edinburgh Aug. 26, 1642. [*Ibid.*, ii, 65].

(*vi*) A warrant granted by the late King to Sir William Dick of 7,000*l.* out of the first and readiest of the tack duty of the customs great and small and impost of wines, to be paid to the said Earl. Dated at Oxford, March 18, 1643, and registered at Edinburgh, Aug. 28, 1643. [*Ibid.*, ii, 66].

(*vii*) A warrant directed by John, Earl of Loudoun, Chancellor, the Marquess of Argyll, William, Earl of Glencairn, and Sir James Carmichael of that ilk to Sir William Dick for payment to the said Earl of 700*l.* sterling of the crop 1641. Dated at Edinburgh, Aug. 20, 1642.

(*viii*) A warrant to the same effect directed by the same four, save the first, to Sir William Lockhart of Carstairs and Adam Blair of Lochwood. Dated at Edinburgh, March 9, 1643.

(*ix*) A registration instrument taken by the said Earl in presence of the Lords of Exchequer. Dated at Edinburgh, March 12, 1642.

(*x*) A warrant granted by the late King to the said Earl of 7,000*l.* sterling (being the 5,000*l.* mentioned in no. *iv* with an additional 2,000*l.*), with the 700*l.* to be paid yearly. Registered at Edinburgh, Aug. 28, 1643. [*Ibid.*, ii, 66.]

(*xi*) A disposition of 10,000*l.* sterling of the 15,000*l.* granted by the said Earl to his children in manner specified therein. Dated at Edinburgh, June 26, 1632, and registered there March 26, 1640.

With a signed acknowledgment by Sir James of the receipt of such writings. His signature has been torn off.

Overleaf.—A signed statement by the Earl to the effect that the writings were entrusted to Sir James to be taken by him with all diligence to London and shown to the Council sitting there "for the Scots affairs," in order that payment might be secured of the moneys to which they related. In the event of his success he was to have two sums of 2,000*l.*, out of the 15,000*l.* and the 7,000*l.* respectively. In the event of failure the writings were to be returned to the Earl, or, if he were then dead, to his grandson William, Lord Kinpont.

The Earl of Airth to Isabella Bramhall, at Ripon.

1656, Feb. 4. Mallow Island.—Yours of Jan. 14 came to my hands whereby I received a great deal of content, finding so great kindness and ingenuity in a lady whom I never obliged. I have signed and sealed a bond to my son James for two thousand pounds sterling out of the first and readiest of the moneys that shall be recovered of the seven thousand pounds sterling and the interest thereof—fifteen hundred thereof out of the seven thousand pounds sterling, and five hundred, in complete payment, out of the first and readiest of the fifteen thousand pounds sterling which cometh next. This is just as James desired me. *Signed. Seal as described in* The Red Book of Menteith, *ii*, 459, *no.* 19.

DEED.

1657, April 18. Isle of Menteith.—Deed whereby Sir James Grahame, second son of the Earl of Airth and Monteath, binds himself that, upon receipt of the annuity of 700*l.* sterling which the said Earl, out of the respect he carries to him and for divers onerous causes and considerations, has by deed of even date sold, disponed, transferred and overgiven to him (which annuity was granted to the Earl by the late King as appears by two gifts, both recited, bearing date Oct. 29, 1641, and March 18, 1643 [*printed in* The Red Book of Menteith, ii, 61, 66]), he will pay thereout 300*l.* yearly to the said Earl and Dame Agnes Gray his wife during their lives and that of the survivor, and after their decease to William, Lord Kilpont, and his heirs male. *Signature torn out.*

[WILLIAM,] LORD KINPOUNT, to his uncle, SIR JAMES GRAHAM, at Robert Grahame's house at the "Blew Mewes," London.

1661, June 4. Edinburgh.—"Yors of the 7 of May I receaved on the last of that month. . . As to that supplication that I sent to his Majestie, no returne hes cum'd yet to me off itt, nether hes my Lord Latherdaile sent anye express att all in refferenc to yt, wich makes me admire, after that his Majestie hed commanded to doe itt.

"Whereas you desyre a discharg from Dunglass, truly and as the Lord shall bear me witness, altho itt had been to my self I wold not doon so much in itt bot to send itt with a post. I can not doe that att all, for I am not sure when letters miscaried much mor. I fear things of that nature. Bot so soon as I can go wast and tak my leave of my grandfather and my ladie, then immediatly, if God will, nothing shall divert me from cuming with all possibele dilegenc to kiss his Majestie's hands. For within less then twentie dayes I hope to see you if ye bee att Londone. And if not, in case of yor absenc, I intreatt that ye bee pleased to give all thos wreatts of my grandfather to Charreles yor brother, to whom I shall give all content in that . . .

"My sister Elizabeth and I hes our humble servic presented to yor noble ladie and you."

DEED.

1661, June 5. Edinburgh.—Registration (dated March 4, 1669) of a deed of June 5, 1661, whereby William Ruthven of Dunglass, son and heir of the late Sir John Ruthven of Dunglass, knt., at the request and desire of William, Lord Kinpont, releases Sir James Grahame from all obligations as one of the cautioners in a bond dated April 5, 1645.

A[GNES, COUNTESS OF MENTEITH,] to her son, SIR JAMES GRAHAM, at the house of Robert Grahame at the "Blew Mewes."

1661, June 8. Isle.—My Lord your father is removed out of this life yesterday, and I thought good to acquaint [you] whereby you may know in what a sad condition I am.

I entreat you to remember my business at the King's hand. My grandchild [the eighth Earl of Menteith] showed me that he has purchased a discharge from Dunglass of your engagement, and therefore do what you can for the standing of your ancient family. He is making all the haste he can to come up to Court and will bring Dunglass' discharge. Therefore, if your occasions will not permit you to stay there till he come, fail not to leave these papers which you have so much concerning this house at your brother Charles' or any other sure hand who may give them to him. *Signed with the writer's maiden name,* A. Gray. *Endorsed by Helen, Lady Rawdon:* "My Grandmother Menteath to my father . . ."

[WILLIAM, eighth EARL OF MENTEITH and second] EARL OF AIRTH, to his uncle, SIR JAMES GRAHAM.

1661, June 19. Menteith.—"Letting you to understand the greatt loss that we have by my Lord's death. I only gott his blissing befor he dyed, and never gott mor woords of him.

"And now seeing I am just now going to Ingland, God willing, I have gott Dunglass his discharg to you with verie much adoe. If ye have taken the wreatts over with you to Iryland, send them to Charelles, and upon his delyverie of them to me he shall have the discharg.

"Likwys I humbly desyre and intreatts that ye will bee humbly pleased to wreatt to all yor noble frinds that is greatt in Court with his Majestie in my favors, for itt will doe me verie much good att his Majestie's hands. This I am confident ye will doe for the honor and standing of this ancient famylie. I have wreatten to my Lord Primatt of Iyreland that his Lordship wold be pleased to wreatt likweys in my favors to those greatt men about the King to befrind me in my bussines, wich I hope ye will desyre his Lordship to doe."

I beg of you to befriend the bearer hereof, Capt. James Cuninghame (Cunigame), who has since the wars began behaved himself wisely and bravely in his Majesty's service. And to entreat my Lord Primate likewise to be his friend in getting his arrears for his service.

The EARL OF AIRTH to SIR JAMES GRAHAM.

1661 [? June *or* July]. London.—"Having the occasion of this gentellman I thought itt good to accquant you of my beeing heir. My unkell Charrells did lett me see a warrant from you to give thos wreatts to me and to receav Dunglass his discharg with the inventor of the wreatts subscryved be yor self, both

wich I have heir with me. Yett nevertheless I fond ane disposition amonst my grandfather's wreatts to you of that seventy thousand pund starling that this King ratified, wich I desyre that you send that disposition unregistratt for I have ane other of that same tenor as you have. Now seeing that that disposition was att first granted for cationerie and I now have undertaking the burden of that debt and hes Dunglass as you desyred tho atteined with much difficultie, I hope yew will doe reasone to me according to relation and equitie, wich be confident if ye doe that deutie as I expect as ye will doe, ye shall feind me weall and readie to doe you all servic that layes in my power.

"Wherfor to tak awey any differenc that will aryse to preveen farder truble, I intreatt that ye will return that disposition, it not beeing registratt, with two lynes under yor hand that you have not doon nor shall not doe any thing prejudiciall to that inventor I have subscryd be yor self on the 11 of October 1654 [*see p.* 361]; and desyre Charrells to give me thes wreatts. And I shall return you the subscryved inventor with Dunglass discharg upon yor performanc of the premisses, as also you shall have the transcripts of the 15 thousand pund starling wherin yor privisons is conteind.

"I recomend to my cusing the bearer heirof to inform you at lenth as I have showen him . . .

"Gartmoir [Sir William Graham of Gartmore] hes his servic presented to you."

The Earl of Airth to Sir James Graham, at the house of the Lord Primate of Armagh in Dublin.

1661, Oct. 22. Durham Yard, London.—"I receaved a letter from you on the 20 of this, wich I expected long or now to have hard from you. Bot of all things I am most sorie that you ar not heir, for I am persuaded ye wold doe much good for the standding of this ancient famylie, wich few or non looks too bot yor self.

"I have spock his Majestie my self and receaved a verie gracius ansyre from him and desyred me to go to my Lord Latherdaile and all my desyres should be granted. Bot his Lordship putts me off from day to day. At last he desyred Mester James Mettlan [Maitland] to cum to my lodging and see the pepers and mak report to him againe by way of inventore. Then I desyred Charrells yor brother, who had promised long befor to me to bring the pepers when ever my Lord Latherdaile should send for them, only to see them and no otherweys, wich was bot a verie smale favor of that wich is my owen. Yett Charrells cam not [at] all. Several tymes he has doon so to me sinc I cam heir. This is the only impediment of my bussiness that itt can not go on, sinc thes pepers can not be seen. Truly I can not judg what can be yor brother['s] ends in this, bot I most say war itt not the respect that I owe to you, knowing

the greatt affection that you still did carie to this famalie and to my self in particular, I wold not dalye so long in seeking my owen pepers, yett not so much that ever I sought them from him to my self, bot only that they might bee seen.

" Therfor, deir unkell, Charrells I have nothing to doe with him concerning thes pepers, bot with you. Therfor know, as for that discharg that I gott from the laird of Dunglass, after I had wrett Mester James Kenydie bot he said itt was not sufficient, truly I was not well pleased. For it was Hue Petersone who wreatt itt and not Dunglass that had, and was to blaime for. I have wreatten with Mester James Kenedie to Scottland three week agoe to Dunglass to gett me a sufficient discharg to you that he may send itt to me to Ingland. . .

" As for Calender, I shall likweys bind my self to skeithless keip from all damag that can incuer that wey. Bot ye know I cannot gett a discharg from Callonder till I pay his sum, and that I can not doe till I gett monyes from his Majestie to relife part of my esteatt. Upon this condition alweys, that you give bak to me all thes pepers of that subscrybed inventor, and that duble of the disposition wich you gott from my grandfather unregestratt, wich I am confident ye will doe, seeing I intend nothing bot honest dealling, as God shall be my judg.

" In the mean tyme I desyre that ye wreatt over to Charrells to lett the pepers bee seen, that my bussiness go on. For I have no moneys to pay heir bot verie short whill. I wold to God that yor occasions culd permitt [you] to be heir within a month or I went from this, and, if ye will, doe me that favor to intreatt my Lord Primat to wreatt to his Majestie in my favors, as also to the Duck of Ormond who might doe verie much good in the bussiness.

" Gartmoir hes his humble servic presented unto you. . . ."

Deed.

1661, Nov. 4. Dunglass.—Deed whereby Sir William Ruthven of Dunglass, knt., son and heir of Sir John Ruthven of Dunglass, knt., deceased, at the earnest request of William, Earl of Airth, releases Sir James Grahame from all obligations as one of the cautioners in a bond dated April 5, 1645, whereby he together with Andrew, Lord Gray, Sir George Stirling of Keir, knt., and John Grahame of Catter were bound to exhibit and produce the said Earl to the said Sir John Ruthven, John Oliver and George Gordoune, messengers in Edinburgh, by whom the Earl had been apprehended with letters of caption for certain debts, within the dwelling house of Walter Douglas, burgess of Edinburgh, upon the 15th day of May, 1655, " betwixt 10 and 12 hours in the fornoon and that without suspension or protection and in as good case and condition as he was at the granting of their said bond," or, in default, to pay the said Sir John Ruthven the amount of such debts—which bond was registered in the books of Council and Session Feb. 25, 1646.

The debts comprised sums of 5,000*l.* Scots (with a penalty of 300*l.* attached), 9,000 marks (with a penalty of 900 marks attached) and 4,372*l.* secured to the late Patrick Wood, merchant in Edinburgh, the first by a bond dated May 13, 1637, and the other two by bonds dated the day following—which bonds had been transferred to the late Thomas, Earl of Haddington, and others and by them to the late Sir John Ruthven of Dunglass, knt. *Copy.*

N. KENNEDY to SIR JAMES GRAHAM, in Ireland.

1662, Jan. 7. Edinburgh.—Begging him to come over to Scotland and settle his affairs there.

"This is the second from me since I came to Scotland, being employed by the town of Aberdeen to come here and attend the Parliament now sitting. . .

"Our bishops be all consecrate and fully established by Parliament, and do all sit and eight vote in Parliament as formerly, with consent of all qualities of people without any opposition. Only some of the old Presbyterian Whiggemer ministers in Galloway and the west country do still grumble. Six of them be cast in prison here lately upon their refusal to take the Oath of Allegiance, and remain still prisoners.

"Your uncle the Lord Gray is arrived here last week safely from London. . ."

J[OHN] GRAHAME to SIR JAMES GRAHAM, at the Lord Primate's lodging in Dublin.

1662, Jan. 24. Edinburgh.— . . . My Lady your mother is here pursuing for her jointure. She is going on in law for the lands of Kilpont. Your daughter is very well. Your niece Lady Marie is married to the laird of Ardries. There is none greater now in Scotland than my Lady Buchan and my Lady Pitsligo, who has taken Lady May away north with her.

The Council here of Scotland sits every Tuesday and Thursday, and they never sit but they have a great many ministers before them, and all those that doth not take the oath are presently banished of the three nations. My Lord is come here and my Lord Commissioner and he is making for Court this next week in all haste.

The EARL OF AIRTH to SIR JAMES GRAHAM.

1662, Jan. 30. London.—". . . . I am sorie that yor absenc from this plac retards me from getting my owen papers from yor brother Charrells. . . . As for Calander, I will engadg to you that you shall not be trubled be him or his assignayes no maner of wey for that sume of three thousands marks Scots less or mor that ye was engadged to him for my grandfather. . . Till I have monyes to pay him ye nor [any]

man in reason can demand mor satisfaction of me. . . . Therfor I shall intreatt you yett, dearest unkell, to wreatt over to Charrells or any whom ye trust heir to delyver thes wreatts to me with that disposition that you gott from my grandfather. And I shall punctualie perform all the premisesses. . . .

"Dunglass first discharg not beeing sufficient, I have gott another sinc I cam heir. . ."

ARTICLES OF AGREEMENT.

1662, Feb. 14.—Articles of agreement between Sir James Grahame, High Sheriff of co. Louth, and Richard Lloyd of Drogheda, gentleman, nominated his Deputy Sheriff. *Signed by Lloyd.*

The EARL OF AIRTH to SIR JAMES GRAHAM, at the house of the Lord Primate of Armagh in Dublin.

1662, May 1. London.—"I receaved two letters of yors, which the last daitted the 12 of Appryll. . .

"I intreatt you againe send that disposition over to me at some sure occasion, and upon the receipt therof I shall fullfill honestly all what I have promised, both in giving my bond to relive you of the Earell of Calander, as I wreatt formalie, and all ane sufficient discharg from Dunglass. This shall I all give to yor brother Charrells whensoever ye send the disposition, wich I hop will bee in ten dayes or theraboutt. . .

"I sent yor letter to my grandmother who is in good health. She is in expectation to gett Airth and Kinpount be law for hir jonter. . ."

M. KENNEDY to the COUNTESS OF AIRTH.

1662, May 21. Edinburgh.—I received your express desiring me to deal with the laird of Auchmedden and your son Sir James' chamberlain, one James Stewart, for your pension due for Sir James' daughter. I have small hopes of any good payment, Lord Buchan having uplifted most part of that rent the last year. If you would write to Sir James and invite him to come to Scotland for settling that little rent and payment of his small debts, it would be fitting; for you will be troubled every year in seeking that pension unless it be once surely established.

Your daughter Lady Anne is all this while in Pitsligo with my Lady Pitsligo, the Earl of Buchan's daughter.

The EARL OF AIRTH to SIR JAMES GRAHAM, at the house of the Lord Primate of Armagh in Dublin.

1662, June 4. London.—"I wreatt ane ansyre to yor letter befor now wich Sir William Clark did send you in my Lord Duck of Albermarle['s] pakett, wich I belive cam to yor hands; bot I gott no returne sinc.

"Wheras ye wreatt befor in yor last to me that ye had ordered yor brother Charells to give me thos wreatts if that I wold send over the discharg to you and my bond to relive you of Calander for that three thousand; as to the first, I desyre that ye wold send over to me heir within a fortindayes that disposition wich you have. For unless I receave that disposition I can nor will not give nether the discharg nor yett that bond, nether will I have any of thos peipers wich Charrells [has] unless first you send that disposition. . .

"For that expression that I used in my letter to you, that I wold proceed against you if ye doe not give, truly it feares me that I most off necessitie doe itt against my will. For sinc I relived Dunglass of his wholl sume for wich he hes Kilbryde herritablie, and now I have given so much land in Drumond as completts veritablie his sum that he had on Monteath, so that by this means I have putt away all thes bonds that was another's only to satisfie him; and seeing I have nothing to mantaine me, for his debts and manye others has taken the wholl esteatt almost gone for the relifes, I am compld throw want to doe for my self. For I have few or no frinds that does for the standding of this ancient famylie.

"I seick nothing bot what is less then reasone. I am sure you most confess I have patiently, ever sinc my grandfather['s] death, waitted on you to give me that disposition with thes pepers, bot hes not as yett. . . ."

The Earl of Airth to his uncle Sir James Graham, at the house of the Lord Primate of Armagh in Dublin.

1662, July 4. London.—Repeating the request contained in the last.

Postscript.—"If that disposition cum not over within a fortindayes tyme, I most charg you att the peir of Leith. Therfor see to itt, I intreatt you, and blaim not me bot yor self."

A[gnes, Dowager Countess of Airth,] to her son, Sir James Graham, in Ireland.

1662, July 23. Isle.—Gartmore is come home and shows me my Lord Airth has not gotten his papers as yet, for he would not take them from your brother Charles. The reason is because you gave not the disposition that my Lord gave you; what is your reason I know not.

You shall receive this letter from John Graham.

Signed, A. Gray, *the writer's maiden name. Endorsed by Helen, Lady Rawdon:* "The old Countess of Monteeth to my Granfather [*recté*, father] Graham about sum papers."

The Earl of Airth to Sir James Graham, at Dublin.

1663, July 7. Island.—"I am sorie for that newes that I heir of the death of yor father in law, bot the will of the Lord be doon in all things. . .

"If you had been present I doubt not bot long or now we had putt a finall closs to all things. Of nature I had both given you a discharg from Dunglass and another from my self, bot all the mater stood upon that I wold not free you of the laird of Keir. For I know nothing in that point untill the tyme that I advysed, and, if lawyers find itt fitting that I should give itt you without prejudic to persew the rest of the cationers, in that case you shall have itt. I had also a bond drawen up to free you of the Earell of Calender; all wich Mester Baylie did see.

"Bot ther is on thing wherof you grant the receitt singed by yor owen hand, beeing the last artickells wich is this: 'Item ane disposition of ten thousand pund sterling of the fyvtein thousand pund granted be the Earele of Airth to his childreine in maner after specifiett thairintill of the daitt at Edinburgh the 26 day of Junye 1632 registered att Edinburgh the 26 of March 1640' [*see p.* 362]. So that yor brother Charrells sayes he gott never such a perper from you, and yett you grant the reciept therof from my grandfather, wich no doubt bot you have, ells why wold you grant that wich ye never receaved?

"I am verie loth, deir unkell, to use any exicution against you bot I see I [am] forcett to itt. . .

"I go away this week to the Parlament. Charrells tells me he will send over all the wreatts that he receaved from you. . .

"The King hes doon verie graciuslie towards the relife of my poor famylie, for I am to have a pretie good sum out of the fynes of Scottland within three monthes tyme att the farthest . . ."

The Earl of Airth to Sir James Graham, at Dublin.

1663, Oct. 7. Edinburgh.—". . . I have not as yett gotten any warrant from the King, bot now the tyme is wherin all the fynes is to bee disposed off . . . "

I am to be at London at Martinmas next. If you would come to London about Christmas or sooner, your assistance would do me exceeding much good at his Majesty's hands.

Deed.

1664, July 12. London.—Deed whereby William, Earl of Airth, releases Sir James Grahame from all obligations as one of the cautioners under a bond dated April 5, 1645. *Signed*, Airthe, *and witnessed. Cf. deed of* Nov. 4, 1661, *above, p.* 366.

The Earl of [Airth and] Menteith to Sir James Graham, at Tradath.

1667, May 30. "Yle."—"Having this occasion of my cusing Patrick Graham of Suiock [Soyoch], tho you it seems forgets yor frinds heir, yet nothing sall move me to be unmindful of you and all that relats you wher you ar. My pressing affaires in this kingdome has not given me leasure to pay my respects to manye of my relations heir, much mor you that is at so great a distanc. The difficulties that I encounter with ar so manye and so havie to be born that I almost sink under ther burden of so almost intollerable afflictions. And yet I praise the God of Heaven and Earth that hes put me a wey of satelment of our ancient tho litle esteat. At Martimis nixt I intend God willing to cleir off the laird of Dunglass freely off the lands of Monteith. I have cleired Duchry off Montith likwys and his associats, as also Boquople to a litle thing. I owe my Lord Weeymis 7,000*l.* Scots on Monteyth and the Muslets 7,000 marks on Monteith likwys, with sum other litle debts, so to relive all Monteith yet that wich rests on it unpayed will extend to twentie thousand pund Scots or neirly. It is no mor whatever less it will be, so that I have all my woods yet growing wich pay tuyse that much.

"As for Drumond, my forrester and I this session will compet for it, but my Lord Comissioner for this kingdom will agree wich, but what with his sum Duchry and the Monteiths that hes now the intrest on it will tak upe the most part of the barronye of Drumond. As for Kilbryde, it might be redeemed presently for less then twentie four thousand marks Scots, and, deir unkell, if ye wold tak my consell I wold cordially advyse you to ow Stirling of Bankell so much for it, who hes Kilbryde; for it wil be sold within a year or tuo at farthest, and I can not as yet redeem it my self. I rather you had it then any living. Therfor I pray tak it to yor consideration and I humbly intreat yor noble and prudent verteus ladie also, that shee may think upon it. But if you wil not, I wil endevor to de it with God's assistanc the nixt year, for if ther war a pace conclueded that our woods gave prize, I doubt not but to compass this my designe. But yf the gentelman who hes it sell it this year I can not help it, for I have no winter residenc but it.

"I reffer the rest to my cusing to tell you the rest from me. Pray present my verie humble servic to yor noble ladie and to her daughter and to all her noble relations, wich I intend, if the Lord will to spare me life and health, to mak you a visit in Ireland.

"Sinc you wil not mak on to us yn Scotland, deirst unkell, I sal entreat on favor of you, that ye wold give that bond of myne that I gave you when I wars at Londone to free you of the Earell of Callander, because, if ye should give it to Walter Grahame of Garture or to any other bodie, they might for

splean and envy of me cause my Lord Calender perseu you and you then wold perseu me, and so wold bring us both to unnecessarie truble. But rather I humbly desyre the favor of you that ye wold keip it yor self and give it to non whatsomever, for ye know I never got no good of any thing that the King is owing me as yet, nether know I when.

"This indeed I thought to have wreatten long sinc to you, but never had the occasion of wreatting till now, wich I earnestly desyre that ye be pleased to assure me of it by two lynes from yor self. All my freinds yn this contry hes agreed with me but Walter Grahame of Garture and his father; they have just the on half of ther principall sums to me. But as for them, they have doon nothing, but this session wil decyde the mater. His sum is 3,000 marks, and I offer him 2,000. He seicks 24 hunder marks and on thir terms we stand. . . War it not for the respect I carie to you only, for sum wroungs he hes doon latly to a man of myne I wold let him know with whom he deales; yea, he shall know it.

"So, deirst unkell, I beg you pardon for this truble, but I thought it fitting to acquant you with all my affaires as they truly stand, and yn everie thing wherin I can doe you servic, I sall studie to approve my self," etc.

Postscript.—"I wil send ane express to you for two good stud meares for the park of Monteith, wheron I have goods. Therfor prepare for them for I expect them from you if ye be a good fellow."

DEED.

1667, Sept. 24. Drogheda.—Deed whereby Sir James Grahame binds himself, upon the delivery by Walter Grahame of Gartur, his son-in-law, of discharges of the several sums specified in the bond of even date [*see next deed*], to renounce and dispone in favour of the said Walter and his wife Marion and their heirs "all my right and interest of my live rent time of the lands of Monbleton Fortre and the millne and borunt yeards." *Draft.*

These lands were in the shire of Banff and the parish of Gamrie, as appears from another document.

DEED.

1667, Sept. 24. Drogheda.—Deed whereby Walter Grahame of Gartur, in consideration of the above deed of even date, binds himself to pay the following sums on behalf of Sir James Grahame, his father-in-law—(*i*) 600 marks Scots to the Nether Hospital at Stirling (*a*); (*ii*) 500 marks Scots to James Drummond (*b*); (*iii*) 400 marks Scots to the laird of Rickartoun; (*iv*) 600 marks Scots to the laird of Cromlix; (*v*) 200 marks to John Flescher or Henry Blackwode (*c*); (*vi*) 100 marks to the Lady Kippenrose; (*vii*) 60*l.* sterling to Thomas Grahame the younger of Duchray (*d*).

Estreat of the registration in the Stewart Court Books of the stewartrie of Menteith, made Nov. 21, 1670, *at the instance of the said Walter.*

(*a*) *From other deeds relating to this debt it appears that upon April* 16, 1650 (*the date of the original bond*) *John Crawford and William Stoddart were masters of the hospital which was called Spittells Hospital; Nov.* 12, 1652, *John McNair and Duncan Allan were masters; Dec.* 27, 1652, *Robert Burse and Duncan Allan; July* 15, 1662, *George Lapslie and John Lorne; June* 14, 1666, *Gilbert Robertsone and James Gib; and Aug.* 13, 1669 (*on which day the receipt from Walter Grahame was acknowledged*), *Walter Keir and Robert Anderson. All were burgesses of Stirling.*

(*b*) *This debt, incurred June* 6, 1650, *to James, brother of David Drummond of Invermey, was paid off in Feb.*, 1671, *to James Drummond of Cultmelindie.*

(*c*) *This debt, incurred Oct.* 20, 1649, *was paid off to Henry Blackwode the assignee in Nov.*, 1670.

(*d*) *This debt was charged upon the lands mentioned in the above deed of even date. Alexander, Thomas Grahame's brother, was entitled to it in Sept.*, 1670.

The Earl of Menteith to Sir James Graham, at Tradath.

[? c. 1667-1669.]—". . . As I wreat to you formerly, so I again sall renew that sam petition that now or never that is to buy bak the lands of the barronye of Kilbryde from Sir Colin Cample of Aberruchell, who hes them now, having gotten them by way of excambion for the lands of Coldoch from on Stirling of Bankell. If Sir Colin Cample onc mak me produc the old evidents of Kilbryd, wich he will de onc the nixt sumer as I greatly fear, then ther's no getting of it again from the Camples' hands. Therfor tak the tym whill you hav it. Wold to God that I culd command the monyes to redeem Kilbryd; I should quickly doe it.

"Let, I beseech you, bee sum memorie of you in this kingdom, and altho I doe reallie never exspect non of yor meins, but I trust in the Almightie to doe for my self the best I can to redeem the rest, if life and health permit. Yet, sinc God of great goodnes hes blissed you with a good portion and to live happily onc again, I humbly desyre that ye redem that land, or els to lend as much monyes to me as will cleir of Menteith, wich is two thousand fyve hunder pund starling, wich is the wholl sum that my Lord Cardross hes on my esteat, and I will give you that suritie wich Cardross hes gotten. . ."

Kilbryde was not bought back from Campbell of Aberuchill, whose descendants still held it in 1880. *See* The Red Book of Menteith, i, 387.

The Earl of Menteith to Sir James Graham, at Tradath.

1669, April 28. Edinburgh.—Relating to the difficulty which Walter Grahame of Gartur [*see his letter of April* 30, *p.* 375] was having with the Earl of Buchan, and advising him, though he himself had not seen them, to subscribe the papers which were being sent over to him by Walter.

Postscript.—"I am to plenish the parks of Menteith with stood mears. Ye know what I mein. I'll send over an express for them, if ye wil let me know if ye will give me any mears to my parks and a good stand horse. Be noble in yor old deyes."

The Earl of Menteith to Isabella, Lady Graham, at Tradath.

1669, April 28. Edinburgh.—"I intended befor this to have doon my self the honour to have kissed your hands. Yet it was not the lenth of the voyage that hindered me, but my to too urgent affaires yn this contry. . .

"Madam, be pleased to know that ther is a barronye of land namd Kilbryd wich did belong to our famylie above ane hundred threscor years befor we had Menteith, wich I gave off to a stranger for sum debt that lay havie upon our house. And now at present tyme yts yn selling again, wich truly because of my other affaires I can not redeem it at present. Ther wil be gotten a good penyworth of it, as I have wreatten to my unkell. If your Ladiships and he be pleased to redeem it for yor selves and yors, I sall never seick it whyl I breath, for I rather the name of Grahames should have it then any eles. . .

"I promise upon the woord of ane honest man its weell worth yor monyes; wold to God I had it. Pray therfor let me again be importunat, tho not knowen, to begg that favor and keindness from yor Ladiship's hands to buy it, wich I am sure may be had for less then fortin hunder pund sterling. . ."

[David, second] Lord Cardross, to Sir James Graham.

1669, April 29. Cardross.—Since Gartur's return from Ireland he has been endeavouring a settlement with the Earl of Buchan's friends in order to the payment of your daughter's portion. After much debate he did give a considerable abatement, and so much the rather that he was to pay some of your creditors who would not be satisfied but with ready money, which was promised him by the friends. But in place of it, after long attendance, it was told him that the Earl would advise whether to pay that debt or not. I believe this proceeds from the Earl of Kinghorn, who has bought Auchterhouse, and for his security has not only "apryssed" those lands but the rest of the earldom of Buchan, and so intends to secure the whole estate. Gartur will be necessitated to do the like, which

must be done in your daughter's name, and before he proceeds farther he has sent you his bond to relieve you of those debts. After he has satisfied your creditors and given abatement to the Earl of Buchan, what will remain of that portion will not be very considerable. I will beg your pardon to say that I think you should witness your respect to the memory of your lady by some token to your daughter.

W[ALTER] GRAHAME to [his father-in-law,] SIR JAMES GRAHAM.

1669, April 30. Gartur.—"Sinc my returne frome Irlland I thoug it fiting to send this bearer to show you now the esteat of your afaires heir. For shortllie efter I cam hom I went to Buchane for to perform my pairt of the bargane with the Earll of Buchane and his freinds, and did searv my wyfe aire to hir mother, and then came to Edinburgh wher the Earll's frends was expecting performance, whic they did obsolletllie refoues unlles I wold quyt muche moir againe becaues head ane gift of ward of the lands and was to pas by all that he head right from and to enter this Earll aire to his great grandfather from whome he head no right. So they past from thair bargane with me, for I was not abell to quyt what they did dessyer, all things being considered. And now they heav taken ane uther coures and hes coumpryssed the wholl esteat that ever they head in the Earll of Kingornes neam for what was resting him and utheres that they heav goten in him.

"So now, if I get not ane uther compryssing withein the yeir that they heav compryssed, I am loste be ane Act of Parlliement heir. So I heav sent to you againe thos peapers to be subscryved and my Lord Cardros bond and myne that we shall satiesfie your just deptes heir, get I what I will, for I cane do nothing for my sellf in lawe untill thes peapers be subscryibed. . . . It is all that we cane find you to be justllie resting heir but that of Rickartoune's, and thair is non now that can setell for it nor will thair be aney this forteine yeir . . .

"I hop ye will lay this my sad condission at this tyme to heart, for I am lyk to get nothing till the ward be done. . . I beg your advyce now what I shall doe. . ."

Endorsed, "Mr. Will. Grahame to Sir James Grahame," *but apparently from Walter Graham of Gartur.*

DEED.

1674, April 2. Edinburgh.—Deed whereby Henry, Lord Cardross, son of David, Lord Cardross, deceased—being unwilling to straiten or lay any necessity upon William, Earl of Monteith, to borrow money from strangers or others—grants the said Earl further time for the payment of the 40,000 marks

Scots secured to his said father by bonds dated 9, 14 and 16 April, 1669, and consents to the repayment of such sum by four half-yearly instalments, the first to be made at Whitsuntide, 1684—such concession to extend only to the Earl and the heirs of his own body. *Copy.*

MARY, LADY ALLARDICE, to her uncle, SIR JAMES GRAHAM.

1674, Aug. 24. Allardice.—". . . I most agane begin on a verie sad acumpt in relation to our destresed family, which by all apperanc is utterly extingussed unles you consern your self whos right it is to dou so. I dowt not but long ago you ar acuanted with the misearable condition my brother his redused him selfe to by ean unhappe mache, and as I am informed desien[in]g outterly to ruen that ansiant family by defrading your selfe and ears meall fealling ears of his oun body, and allredy his rot [has wrote] for a signoter to break the tally and to have the nomination of sucksesion granted him by the King. The person as I am tould he piches on is Sir John Deramble [Dalrymple], son to the Presedent of the Session, who bothe by his partes and pour is able to perform great thinges. My brother being acxed by sume relations disounes it but it is well knowen his inclanation.

" My humble and earnest desiyer is, dear unkell, that you will consern your selfe, which I hope you will not deney, nor will suffer so anciant and noble a family to persshes [perish] by your neglect. It will be worth your pains to com to Scotland. Ife you appier I will asshuer you you will not want frendes to assist you to entrupp [interrupt] so unworthy a dissing [design] as your unhappie nefviey is takeing. I pray you lett me hear of your resolution, and I am going te sie him, for he is verie unwell, wher I shall put hom to him every thing I hear. . ." *Signed with the writer's maiden name,* Marie Grahame.

[SIR JAMES GRAHAM] to his NEPHEW [? SIR JOHN CAMPBELL of Glenorchy].

[? c. 1674-1675.]—I received your kind and affectionate letter of the tenth of February from Edinburgh. I am not without real concern for my nephew Menteith's ill disposition of health, the decay of his estate and the small hopes that remain of any issue of his body to succeed in that ancient honour and estate. But the mention you make of his surrendering up his honour and estate into the Exchequer in favour of his heirs general of his own body, and failing them to descend and come to any that he will nominate at the time of his death, is a very great surprise upon me, especially being aggravated with the intention you intimate he hath to name Sir John Dalrymple to succeed in the honour, who has already a mortgage on his estate. I cannot but conclude his affections are wholly estranged from his own relations.

Though probably he may dispose of the estate to whom he thinks good, yet I do not understand that he can so surrender the honour, it being in default of his heirs the birthright of myself and those in remainder after me. Nor have I such mean thoughts ever to forgo my just right thereto if it at any time become my due. And though I well consider what an empty title is without a real and answerable support and estate, yet I do not know but that his Majesty, by the assistance of my good friends, may be graciously pleased to furnish me with my own monies which have long laid in his hands, whereby I might redeem the estate which is mortgaged to Sir John Dalrymple and advance any that shall remain over and above to my nephew upon security out of his other estate. So both the estate and the honour may go together.

What is to be done in this affair on all hands must be acted by yourself and forwarded with your assistance. If you shall give me any good encouragement in these hopes, I shall make a journey to London on purpose, where I shall be glad to meet you.

At the foot:—An addition by Isabella, Lady Graham, in her own hand, to the effect that there seemed no feasible method of preventing the intentions of the Earl of Menteith, so far at least as her own fortune might have been considered available.

Drafts. Endorsed, "Sir James Grahame to some nephey of his."

[Sir John Campbell of] Glenorchy [fifth bart., afterwards first Earl of Breadalbane and Holland,] to his uncle, Sir James Graham.

[16]75, Aug. 17. Edinburgh.—I did write to you last year of the condition of your nephew the Earl of Menteith and of that estate, but had no return. He is not only childless but become very infirm, and many days scarcely are concluded to be given to him. You have heard of his designs to remove both honours and lands from your name and family. The greatest reason given for both is the great neglect you put on him by not countenancing him so much as with a visit. Therefore, as you regard the continuance of that family in your person and succession, do us the favour to come over, whereby you may dissipate what designs has been to your prejudice, and I will serve you all I can, it being my great interest to have it run in the right channel.

Sir Ch[arles] Graham to his brother, Sir James Graham, at Tradath.

1675, Nov. 6. Gartur.—I received yours the 17 of October, and immediately went in with your boy to Lord Menteith and delivered your letter, but could have no answer, but [he] alleged

that you had highly disobliged him, therefore he would not write nor give us that satisfaction to let us know whether he had disposed his estate to Sir John Dalrymple or not. Gartur did send your letter by an express to Glenorchy, to whom I did write my Lord's unnatural carriage towards you and our family. He finding it so did appoint Gartur his wife's carriage to meet him at Edinburgh, and he and we went to my Lord's lodging, but could have no access to him.

We spoke to several friends, who thought it very necessary that you would come over to Scotland, and that there would be no difficulty in carrying on so just and honourable a business. The debts is little or nothing except my Lord Cardross's 40,000 marks, which if you would provide it would put you in peaceable possession and none thereafter would contend with you.

It is thought by all that sees my Lord Menteith that he cannot recover, and therefore your presence is absolutely necessary.

[Sir John Campbell of] Glenorchy to his uncle, Sir James Graham, at Tradath, "to be left at Doctor Coghill's on College Green, Dublin."

[16]76, Dec. 9. London.—I did leave your nephew in Scotland rather in better than worse health. I know not what effect this hard season may have upon persons of his warm complexion. He is still the old man and follows his old course of humour. Gartur told me at Edinburgh that Gartmore is ready to make over his claims to you. At my return I will bring it all the length I can.

Tell me by yours what journey you had and what reception my aunt gave you at your arrival. Present my humble service to her and to my cousin your young lady. I hope you reported my commission to her, that I must be her husband. I wish her a good one truly.

Mary, Lady Allardice, to her uncle, Sir James Graham.

1677, Sept. 13. Allardice.—". . . All the porpos I have to treat of is still the sad condition of our family. My brother's condition is such that it can not be pott in peper, and now I hear his wofull lady his left him. O ife you would com to Scottland that your friendes might joyen with you that our ancient and noble family might not be quit extingesed, which is tow lick [too like].

"I am enformed you was at the King, and longes extremly to know what sucksses you had . . . My brother did never wryte to me sinc my dear husband['s] death but onc, and that I extorted from him. Lord pity his sad condition. . ." *Signed,* "Marie Grahame."

D[UNCAN] CAMPBELL to his uncle, SIR JAMES GRAHAM, knight baronet, Governor of Drogheda.

[16]77-8, Jan. 14. Hollyroodhouse.—". . . . We hear in this place that you have lately married your daughter to a young Irish lord, and I wish you heartily much joy, but I could have wished that you had deferred it till you had seen what your nephew the Earl of Menteith will determine at his death. I think I need not trouble you with an account of that family, for I suppose you will not be very curious, having steered your course another way, although I fear not so much for your own and your family's interest. Pardon me for my freedom in so telling you, but I shall say no more of that subject (being now past curing), only *nunc olim meminisse juvabit.*

" I know you are in expectation of news from this place of a rebellion, because of a report which was occasioned by my Lord Granard's forces being called to Belfast in order to their transporting over here; but (blessed be God) we have no occasion for them, and, if there were, we have of our own forces enough to suppress them, there being at Stirling upon the 25th of this month a rendezvous of some 9 or 10 thousand men, in which number my brother the Earl of Caithness has 16 hundred, which is twice as many as anyone there will have; but, blessed be God, there is no occasion for any, all being peaceable and quiet I can assure you, only apprehensions that has been because of conventicles, which turns to nothing.

" All the report now is war with France, but no certainty of that can be known before the Parliament sit down, which is to-morrow 7th night. . ."

GEORGE MACKENZIE to SIR JAMES GRAHAM.

[c. 1679.]—You having done me the honour to recommend your affair to me when I was at London, and I having a great esteem for all your family, I thought myself obliged to represent to you that the most probable way I know to preserve your family is to match your daughter with some gentleman of your own name; nor know I a more accomplished gentleman in this nation than the laird of Claverhouse (Cleavrose), who being a son of Fintry is descended from a sister of King James II. He has all the breeding that France or Italy can give either in academies or campaigns. He is in great esteem with the King and Duke and is able to procure you payment of what the King owes. He may expect any employment fit for his age and has a good pleasant estate of betwixt 700*l.* and 800*l.* sterling of yearly rent.

I am sure the overture will please all your friends and the person would please both your daughter and you, if he were of your acquaintance. If this overture please you, he will come over; if not, or that your daughter be engaged, I hope you

will conceal the proposition, that being a point of honour to be expected from a gentleman.

This freedom proceeds from my respect to your family, and yourself opened a way for my confidence.

The Earl of Menteith to Sir James Graham, at Tradath.

1679, Jan. 26. Edinburgh.—"I have no will to truble you oft with letters unless it wer sumthing worthie of your notice, wich I am now to import concerning a noble young gentelman a cusine of myne the laird of Claverus Grahame, who is a person exceeding weell accomplished as anye I know with nature gifts for all thats noble and verteous may be seen in him. And we use to say he is ueell to live, for he hes a free casteat upwards of six hunder pund starling yearly of good payable rent neir Dundie in Angus. Besides he is captain of on of the standing troopes of horse in this kingdome, all wich is verie considerable.

"Therfor, deirest unkell, I in his name doe offer him in mariag with that young ladie your daughter whom if I thought it not convenyent that it wold be a fit match for her and all our creddits to alay with such a gentellman as he who beeing a Grahame wich I for my part looks upon it as a singular happines to our famylie to hav a person so weell qualified and of the name too [*sic*]. And he it is that I truly honour and hav a mor then ane ordinar respect for him whom I think truly woorthie of your favor and her affection, as I doubt not when himself cumes over to Ireland he will prov to be much mor then I can express what he is indeed. But that he wold not presum till first I wold let know by a lyne from you and my ladie if he wold be weellcum, wich for my sak at least ye will admit of a visit from him, wich will be als soon as you ar pleased to return a favorable ansyre to me in his behalf.

"My Lord Marquis of Montross hes wreatten a letter to you in his behalf, so I'll concluld with this, that after ye hav seen that generus gentelman and hav full knoledg of him and of his esteat, wich truly I hav wreatten the reall truth of what I certanly know both as to himself and his fortun, I wold not desyre so earnestly the match betwixt your daughter and the laird of Cleverus if he alon war not the only persone worthie of her. For if you dispose and bestow that young ladie on any other person bot he ye sall never hav my consent nor good will to her mariag unless it (the noble Cleverous) whom I say again is the only person of all I know the fittest and most convenyent and proper mariag for your daughter, [nor] wer it that I am verie and infallablie confident of what I hav wreatten I hav never set pen to peper in that affair. For its my concern that shee be weell and honorablie maried and non I know lik him as I hop when ye see ye will hav thes sam

thoughts of what he is that I hav, wich I wish a happie fortune to both of them and all that concerns you."

This is the original of a letter printed from a copy belonging to the Duke of Montrose in The Red Book of Menteith, i, 422. *Between original and copy there are a few verbal differences.*

The Earl of Menteith to [Isabella,] Lady Graham, at Tradath.

1679, Jan. 26. Edinburgh.—" My verie humble servic presented to yor Ladiship. Be humbly pleased to admit of a visit from a noble and generus gentelman a cusin of myne, the laird of Cleverous Grahame, who will doe himself the honour to go over to Ireland to kiss yor Ladiship's hands and that verteous young ladie your daughter. Who wold not intend himself till he first be knon from me by a lyne from your Ladiship if [it] was yor pleasur to suffer him to cum, wich I am verie confident ye will allow. For I wold wreatten so farr in his behalf to my unkell Sir James if I did certanly know the truth therof, wich I recomend him as the only person truly worthie of that young ladie yor daughter; all wich I refferr to my unkell's letter to inform your Ladiship at full lenth in that affair. Wich I am loathe to giv you ferder truble, bot humblie and earnestlie intreats a favorable ansyre to me in his behalf that so after that brav young gentelman himself may cum and return your Ladie[ship] humble thanks for yor good [will] towards him.

Sir J[ames] G[raham] to the Earl of Menteith.

1679, Dec. 1. London.—Yours of the 8 of November came to my hands the 29 of the same, and as to that business you wrote of concerning my daughter, I must beg a further time to consider it; it is of so high a concernment to us. I return you my very hearty humble thanks for the care you seem to have of my poor girl.

We have a law suit here that will detain us this winter in London, but in the spring towards May, if you please to meet us in Lancashire, we shall be overjoyed to see you, and I hope you will do us the honour to go over with us into Ireland. None living shall be welcomer to us than you, for you are the man living I most long to see.

It seems that all mine hath miscarried; this be the fourth I have written within this month. My girl bids me assure you that she will desire your consent in her marriage. *Copy.*

The Earl of Menteith to Sir James Graham.

1679, Dec. 4. Edinburgh.—" I received three letters from you and my lady within four days of one another. I thank God I am in perfect health, so that Jean Murray speaks not true, and I warn you do not trust her in any concern of moment.

"I have greater affairs to write to you at this time. Sir, after serious thoughts of the present settlement of my family and the great concernment I take to have Madam Helen your daughter honourably married to her own content and the satisfaction of all her relations that truly wishes her well being, out of the singular respects I carry to her and you, I have found out the most honourable match. . . that is in the isle of Britain, which upon my faith I am so overjoyed at it and the happiness that she will enjoy that I want words to express my sense of it.

"Be pleased to know of the most intimate and sincere friendship which that most noble and honourable young lord my Lord Marquess of Montrose and me his faithful servant [*sic*]. His Lordship has used such freedom with me ever since the first time I had the ever happy honour of his delightful and pleasant conversation that indeed occasioned more and more daily did [? and] put such an indissoluble tie upon our friendship that all the world shall never be able to separate it. And in confirmation of the truth hereof, to come to a closer alliance with his Lordship, I take the boldness to propose . . that if his Lordship would marry Madam Helen your daughter, who I hear say has a considerable fortune . . . for my part I would most willingly give over and resign to his Lordship, failing heirs of my own body, both my estate and dignity. Such I never in all my life before this writ or said the like condition to none living. . .

"He most generously and full of obliging expressions of kindness to our family most cordially accepted the offer . . . and earnestly desired me to write to you and to my lady her mother he is most willing and ready to embrace the offer intended. I scarcely believed him when he first spoke it to me. . .

"With exceeding much joy I write this to you, that you would first write back a favourable return in giving your daughter in marriage to so honourable and eminent a person as my Lord Marquess of Montrose, indued with all the gifts of nature, and I hope of grace likewise. . ." *Copy.*

See the letter printed in The Red Book of Menteith, ii, 176.

The EARL OF MENTEITH to his cousin [HELEN] GRAHAM.

1680, Jan. 8. Edinburgh.—I received your most kind obliging letter. When it is known to the world the honourable design that I intend betwixt my Lord Marquess of Montrose and you, all our relations and all that wishes the honour and standing of both our families will approve of this my intention; which never can be ended in a right way unless your mother and father and Madam Toxteth and yourself will honour this kingdom with your presence. For your concerns cannot be conveniently done unless all parties come to Scotland, where the best advice of men of law will give judgment to be drawn in writing accordingly.

"We think your ladyship should have a longing desire to see your father's native soil and all your friends here. And much more when so honourable a person hath a longing desire to salute your fair hands, although you say that you have a more agreeable satisfaction in a single life than in marriage. The one you know, but not the other. There is no doubt, when two noble persons loves entirely each other with a reciprocal affection, it very far surpasses a single life, for it is writ that man should be for woman was made to be a help to man. For this cause a man shall leave father and mother and shall cleave to his wife. Do not gainstand, dearest madam, that which is so divine and necessary a command, and that which the best and fairest of your sex wishes for, and especially to a person that is so generous and noble in all his ways. And for my part I exceedingly long to see that happy nuptial day, to the great satisfaction of all persons interested in both these noble families, which I hope your parents is so discreetly wise to foresee the happiness that will arrive to them and theirs by this noble match, and your ladyship's own goodness and wisdom not to neglect so great an offer, which the noblest ladies that Great Britain has or the loveliest beauties could count it their glory to have this generous heroic youth that freely offers his service to you, being the person only worthy of his affection." *Copy. Endorsed*, "Lord Montith to Lady Grahame."

The Earl of Menteith to Lady Toxteith, at London.

1680, Feb. 16. Edinburgh.—"I beg ten thousand pardons at yor hands that all this tyme that I did not wreat to yor Ladyship befor now wich only yor goodness can pass by so great a crim wich from henceforth sall never be neglected.

"Be pleased to know that my Lord Marquis of Montross is gon for London to see my cusin wich I hope that both that thes two noble young persons will lov on another and after liking that her father and my ladie her mother and yor Ladiship will condiscend and agree all things requisit to be doon in that affaire, and as the woreld speaks you truly good, wise and verteus and a weell wisher to both thes noble famylies of the housses of Montross and Menteith, so I am verie confident yor Ladiship will lend to yor helping hand that no stop, if the parties lik on another as I hop they will, be in the concludding that desired and languished for happie match, for I am sure that no ladie in the yle of Brittain but wold think it her glorie to get the great tho the young Montross in mariag, and war you acquant with him as weell as I ye wold really beliv a thousand fortunes and esteats very weell bestowed to giv it to such a on so singulerly qualifid as he. Himself will, if modestie will permit him, giv a full confirmation in yor thoughts of mor then I can wreat of him.

" So I pray, madam, seriously consider all what belongs to all yor honours and the weell being of Madam Helin wich I heir manye say that yor Ladiship has a very great affection for her wich I hop now at this tym will be evedently seen."

The Earl of Menteith to Sir James Graham.

1680, Feb. 18. Edinburgh.—My Lord Marquess of Montrose is gone along with their Royal Highnesses to London. But the greatest part of his errand is to see and give the first visit to that virtuous lady your daughter. I pray to great God there be a good liking and a real love betwixt them.

And to let you see that I do so earnestly desire this match, I have now put the world out of doubt of what I should do with my estate and dignity, which now is ended and subscribed betwixt my Lord Marquess and me. Failing heirs male of my own body both my dignity and estate is to go to his second son, with many very noble and honourable conditions and provisions for the upholding of both families. His Lordship did of his own accord freely condescend without any scruple all what I did demand, it being his only design to keep our families from ruin both in estate and dignity. I have unexpressible satisfaction since it's now done and subscribed and ended at large.

Dearest uncle, for the Lord's sake do you and my lady crown so happy and honourable a match, and let your lady stand not in doing that which is just, for my lord is but too generous every way. The greater that his fortune and estate be, it not only redounds to the upholding of his family, but also of ours. *Copy.*

The Earl of Menteith to [Isabella, Lady Graham].

[1680, Feb. 18. Edinburgh.]—A very similar letter to that of the same date addressed to Sir James Graham.

". . . All that hears it commends highly so intimate a friendship, which no time nor person can alter nor change. For by this both families are preserved, which, if these false reports that the world spoke of me had been true, our family had undoubted gone to ruin in the honour as well as the estate. . .

" I humbly and most earnestly entreat that you be not standing upon niceties, but that both frankly and freely you do and perform all that can be thought upon for the settling of this great concern in all points before my Lord Marquess of Montrose leave England. . . All his friends and relations will not let him alone till he be married. . . " *Copy.*

The Earl of Menteith to Sir James Graham.

1680, March 6. Isle.—I have written to my Lord Marquess of Montrose that, in case any impediment should arise betwixt him and you and your lady concerning the marriage betwixt

him and your daughter Helen, I am fully resolved to ride the length of York myself to help to conclude the marriage.

I trust my Lord will surely marry your daughter, who engaged upon his word of honour, which, with his own merit and the respect I do carry to Madam Helen, was the only motive that made me grant the disposition to him just before he went from Scotland with their Royal Highnesses; which was only to hasten the marriage.

It is very likely there will be some persons that will strive to hinder this marriage, since they are disappointed themselves of their expectations. But let no person dissuade you, for, before it should fail on your part, I'll come myself to England and end it before my lord come to Scotland.

I long exceedingly to hear how it goes on betwixt the two young noble persons and all of you. My humble service to your lady, her sister, your daughter and Colonel Grahame. *Copy.*

The Earl of Menteith to Sir James Graham.

1680, April 8. Isle.—I received yours dated at London the 2 of March, but not one letter more since my Lord Montrose went away. To match with your daughter was always his intention, and is fully yet; for a person of his honour and worth will not stand although there should nothing be procured from the King of the sums due to you, since you are to make sure your lady's estate to him after both your deceases. I think it very natural you should give her some present maintenance, and while I live my Lord and she shall command my fortune. So it shall not be the want of present means shall hinder the marriage.

Many great persons have done and will do all that lies in their power to put false aspersions upon that illustrious young gentleman, to keep him and you at variance and discord. And since he has assured you both that they have wronged him as to the particular of the reality of his intentions, it will be really all your faults and blame if that match break off.

Marriage is not a matter to be done without mature and wise deliberation, for death only separates, and your lady and you are in a mistake with him, who indeed is very cautious in all his proceedings, but very true and faithful and really constant where he loves. I will pawn my life and fortune for his true meaning that he will not delay to marry your daughter with all convenient speed. *Copy.*

[Isabella,] Lady Graham to the Earl of Menteith.

[1680, the middle of May.]—"I have frobore writeing of late. The very true reason is that I dnot knowe what to write, for seaverall have indeavered to make me believe that your Lordship and we have beene abbuesed all this while, and that from the

very first, or ever my Lord came heare, there was noe designe of a mach heare but for my Lord Chancellor's doughter. But all there arttefices that are used could not gane the least beleefe from me of any such dreatfull wayes—after I have had soe many prodistationes and sum oathes from my Lord of the realtie of his Lordship's intentiones and your Lordship's many ingagements for the same—wear it not for his Lordship's drawing off of late, never seeing him this month but twice the last week when I was glad to write to him to desire a concluetion one way or other but could gett none; though to my thinking there was not any difference betwixt his demaundes and our condesentiones.

"For, my Lord, when I see that your Lordship, as Sir J. Darump [Dalrymple] toud me, would not assist me in that of the 1,050*l.* to make up the 4,050 that they demaunded, I findeing into what a snar I was brought, that I ether must doe me and my childe a very great injury by falling my part of our [engagement (?)] and so lowes the other two which I or mine might assuredly expect after my sister's death, or otherwayes I must be sade to be the breakere of the mach, and they goo away with the proffett and your Lordship and we with the losse and shame. . .

"For my Lord's inclinationes to my doughter, it is above six weekes agoe since I begged of my Lord that, if that thing weare no more forceable then his ingagement to your Lordship, that then he would desist and I wold beare the blame from your Lordship. His Lordship seemed to be sumthing displeast that I should question it, so that I cannot immadgin the occation of this strangenes of late when we are soe neare an agreement if it weare really intended.

"And that which has startled us much of late is that we had sertane intelliegence from a knowing person that my Lord M[ontrose] was passing your signeator at the Couencell board, but that the King put a stop to it becaues of the honour, which he alowes not of (without I suppose consent of the next heares), and that my Lord Muntros was indevering to get the estate past without the honour which we did beleeve would not be pleassing to your Lordship, you indeavering to rase your famely and not to destroy it." *Draft.*

This letter is referred to in the letter of May 27, 1680, *from the Earl to the Marquess of Montrose printed in* The Red Book of Menteith, ii, 180.

The Earl of Menteith to [Isabella,] Lady Graham.

1680, May 27. Isle of Monteith.—"I receaved yor ladyship's long letter wherin I have returned an full ansyre to my Lord Marquis of Montross, wich ye may be pleased to read and peruse it and afterwards closse by putting ane drop of wax under this fleeing seall.

"Madam, I certanly know and am fully persuaded that my Lord is a person of so great worth and honour that he will not in the least derrogat or go from his faithfull promisse to marie yor daughter. So that I wold hav you to stand on things wich ought to be done, for indeed I am reallie confident if my uncle and you had [acted] ingeniouslie from the first tyme with his Lordship he had never started from his first resolutions. Bot yor falts is in stiking with a person of his merit and honor, wich cannot be maintained by litl and triviall things. So I wold hav you mak up that fyve hunder pund starling a yeir and that it be mead secure to his Lordship both by yor Ladyship and my unkle. So I am confident ye will see when ye hav secured the fyve hunder pund starling a yeir to my Lord Montross that he will then marie yor daughter.

"I perceav ther is diffidenc on both sydes, wich if I war present with both I wold soon remov any impediment out of the way, which I hope by all yor wisdom it will be quickly put to a happie close.

"I pray yor Ladyship seick an ansyre of my letter from my Lord Marquis to me as soon as may be, for I receaved bot two letters sinc he went away, and litle or nothing in them concerning that affair. . ."

Lady Graham's answer is printed in The Red Book of Menteith, ii, 180.

MERION GRAHAM to her father, SIR JAMES GRAHAM, at the Sign of the Duchess of York's Head in Pall Mall.

1680, Sept. 23. Gartur.—"I reciwed yours the 12 of this instant, wherin I perciwe that ye ar not weall satiesfied with my Lord Mwntross his dealling and my Lord Mwnteath his follie, which I conjeaktor by his own spich hie repentes, bot cannot helpe it now; for hie heath said sewerall tiymes to me that hie taks God to witness that what hie inteanded was both jwst and honourable, alltho the ewant is not like to prowe soe. Bot repentenc will dow noe good now for it is impossibell to help it. His sone by adoptione his bien at the Eyll of Mwnteath en fortnight agoe where hie wass most swmtiowsly intertined and a gret menie of his relations with him. My hwsband [Walter Graham of Gartur] went ther bot cowld gett noe notice whether hie did teak infeaftment or not. Hie meks menie reports to pass hier which to my knowladg is fals wntrwths. My Ledie is mwch blemed hier that the merieg betwixt my sister and the marqwice [of Montrose] went not one, bot I am hopfwl you nied not be sorie for the loss of swch en opertwnatie, alltho hie be a great person. She may hawe ass mwch conteant with one that is not soe great.

"Yowr freinds and weall wishers hier thinks its conwenient that ye come to Scotland for they sey that, seing the titell of honour cannot be teaken from you, alltho yowr nephew his

disspended Mwnteath, yet ther is mwch deabt upon it that mey be a mien to mek the marqwic not ower satiesfied with his bargan; and likwiss yow mey hawe Kilbriyd, Kilpownt and Airth if yow pleas to reliwe them. . . ."

Postscript.—" Since my wreating of this I hier ther is en man of Clewerows [Claverhouse] com to the Eyll, and I admier ye wrat not to me with him."

PATRICK MCALLAN to SIR JAMES GRAHAM, at the Sign of the Duchess of York's Head in the Pall Mall.

1681, March 22. Edinburgh.—Lord Menteith is in town and very unwell of a pain in his hands and knees, so that he is not able to get abroad.

My Lord Marquess of Montrose was married to the Duke of Rothes' daughter upon the 10th of December last. It has all this while been kept so private that he did not let so much as my Lord Menteith or his own sisters hear of it till Thursday last. Lord Menteith is exceedingly displeased at it. " If it were to do again what is done, I do really believe his Lordship would think upon it before he would do it." My Lord Marquess's wedding holds this day in the Abbey of Holyroodhouse. Lord Menteith had written to your honour several times or now, but he thinks that it is to no purpose, for he has done that which he repents but cannot help it. *Signed.*

The EARL OF MENTEITH to his cousin [JOHN GRAHAM,] LAIRD OF CLAVERHOUSE.

1681, Dec. 5. Isle of Monteith.—" I creav you pardone that I mak use of another hand by reasone of the gute [gout]. I heave weill and seryouslie considred that nothing can be done in that affaire unlesse that my uncle Sir James Grahame and his ladey and daughter come the lenth of Berwick or sume other pleace upon the bordores, where you and I may meit with them; ore, that which is fare better, that Sir James wold get a protectyone from the Kinge, that so himself, his ladey and daughter may come to Scotland the begining of this next sprynge, with his sister in law Madam Toxtith; that so they being altogither hir with us in Scotland we may agray and conclude be the advyse off men off law heir both conserning my esteat and honuour and lykwise conserning ther esteat. . . I am sure his Majestye the Kinge will give a protectyon to my unkell for a yeare's tyme against all creditoures that they doe not trouble him, which Walter Grahame off Gartour telles me he knowes of none."

I desire you most earnestly to send this letter to Sir James and his lady and daughter. I have no mind to go to Edinburgh till Candlemas, and before then I hope you will get their answer. If once I put hand in that affair I will do all in it I can to the uttermost of my power.

I bless God I daily grow better in my health, but dare not venture to show abroad lest I catch cold.

Postscript.—"I will mak readie the Yle against my unkell Sir James and his ladie and daughter and Madam Toxteth cuming heir in the spring, better then when ye was heir, when they and you sall be keindly weelcum. . This with my owen hand." *Signed. Postscript autograph.*

Claverhouse's answer is printed in The Red Book of Menteith, ii, 203.

MERION GRAHAM to her father, SIR JAMES GRAHAM, at Drogheda.

[16]83, March 5. Gartur.—"I admier that he have not wreten to me now this two yeirs. It seims that yowr nephew['s] folie and beasnes heth mead yow forget al yowr freinds hier, bot trewlie ther are some in this contrie ass mwch conserned for the los of that honorabl famillie—Mwntross and Mwnteath is at en great debeat abowt it at this present tiyme. I am informed that my Lord Mwntross wold be content to giwe him back his right for some mwnnie that hie his payed for him and his giweing obligment to giwe it to non bot of his own famlie, which hie will not condeshend to dow. And hie mey wreat to yow what hie will, altho it wer to dispon, ass yet it wold goe ass bad a way and wors then to Mwntros. The bearer can show yow his ways that hie is taking for the tiym, which is heatfwll both befoir God and man. Hie hes en acownt to giwe for it on day. Hie wass teling my husband that hie wold wreat to yow for the len of mwnnie. Yow are wiyss enowch; doe in it ass ye think fitt.

"My Lord Mwntross his aqwired the esteat of Bowhaven and Rednocks. Deat is on of the main things by which hie heath eweacked it. I am informed that ther was en peart of that deat belownging to yow and yowr brothers, soe, if ye hawe any peper for it or any diligenc in law against Rednoks aires, let me haw them or the copies therof, that wie may conswlt if any thing can be aqwired therof. I wold haw wreaten mor, if tiym cowld hawe permited me.

"There is en report hier that my sister is meried, bot to whom we know not. Therfor let me kno. . . My childrien is all weall, blised be God. They hawe all hed en hie fiwer this fowr months bygon. Onlie James esskeped the siknes; hie is at present at Ednbrwch at the collag. . .

"My humbell serwice to my Ledie, Madam Toxtith and my dier sister."

The EARL OF MENTEITH to SIR JAMES GRAHAM, at Lismagarvie or Tradath.

[c. 1683.]—"I have transmitted to you the just double of several writs, by which you will understand the condition of my debts and burdens that affect my estate, and likewise the

transactions that have been passed betwixt my Lord Montrose and me. In that disposition you will observe the sincerity of my intention to preserve my family entire without confounding either my dignity or estate. I assure you my design in assuming my Lord Montrose['s] succession, failing that of my own body, did proceed singly upon the expectation and persuasion I had of a match to have ensued betwixt his Lordship and my cousin your daughter. So that, having no children of my own, the succession of my family was according to my design to have gone in the legal and lineal course. But now these hopes being disappointed and I having more reason to suspect the security of my own family, I have transmitted likewise the proposals which I judge necessary for myself and family, and proper and reasonable to be expected from you and your son-in-law, which I shall presume to be the same interest."

I shall come to Port Patrick with a full and candid inclination to settle with you absolutely in every point. If your affairs do not allow you to accept these proposals or to make a small settlement with me, then, as my affairs allow no delay, I must shortly apply elsewhere, "that I may recover my estate both from my creditors and my Lord Montrose, who, partly by that right I have made him upon the design which he did frustrate, and partly by his acquiring rights and titles to my estate, may reduce myself and family to great extremity. . ." *Signed.*

The Earl of Menteith to [Isabella,] Lady Graham, at Lismagarvie or Tradath.

1683, March 12. Edinburgh.—I have written to my uncle in relation to the settlement of my estate upon him and your daughter. I know it is by your fortune that he can be in a condition to perform the conditions necessarily required by me. And it's just you be addressed to and satisfied in the affair. I doubt nothing of your concurrence. Any settlement I ever made was with the prospect of your daughter's interest, but, since that hath failed, I hope it shall be as well by the match with that young gentleman she hath married, of whom and of his affairs I hear nothing. But I am well pleased to make a final and absolute settlement, which I hope shall preserve and secure my family in its just and natural succession.

Pray present my humble service to Madam Toxteth your sister. *Signed.*

[Sir James Graham to the Earl of Menteith.]

[1683, March 25. Drogheda.]—With reference to the Earl's proposal to settle his estates upon his daughter Helen and her husband; stating his inability to raise the sum of 5,700*l.* required for the extrication of the earldom. *Draft, in the hand of Isabella, Lady Graham.*

This letter is printed, from the original belonging to the Duke of Montrose, in The Red Book of Menteith, i, 425.

ISABELLA, LADY GRAHAM, to [the EARL OF MENTEITH].

[16]83, March 25. Drogheda.—Regretting her inability to raise the sum of money required by him for the extrication of the earldom.

". . . We ar both of us much concerned that your Lordship would not treat with us when we weare in London. . . Then I had more poore of my estate then I have nowe, haveing setled it upon my doughter, onely reserveing Sir James his life and my owne in it and a poore to dispose of it in case my doughter should die without issue.

"But there is noe reasanable thing, my Lord, that I am able to doe for the good of your honorable famely but I will doo it, which I conceave is onely this. That, faelling me my doughter and her ishue, I will be obliged to charge upon my estate a considerable sume of monies to be pade to your Lordship and your lawfull heares male, for that your Lordship will be obliged to leave unto such heares the two ilelandes whear the ashis of your noble ancesteres lie, and as mach of the earledome of Muntath (your antient inherietance) as shell, aftter a full inspection into the condetion of your Lordship's affaires, may be thought convenient for your Lordship to doe.

"But if your Lordship and those that ar to sucseed your Lordship and Sir James thinke the honouer a burthen and not to be mentanede with such a small estate without rendering it contemptable, and there upon are desireous that my doughter and her aires should inheret both honour and estate, then my Lord I will oblige my estate, falling my doughter and her heares, to redeam Kilbride to the lawfull Earles of Muntieth or to pay soe much monie to them as may be equevolent to it. And as more then this I cannot doe, soe less I will not, soe that your Lordship will but be as kinde to that antient famely.

"I knowe, my Lord, that a narrowe forttune with a great honour is very uneasie, but what brave man, my Lord, would not suffer sumthing for the preservation of soe noble and antient a famely, and to keepe strangeres from tramplin on your ancesteres graves. I am convident your Lordship has more honorable thoughts for it then those that advised you to those serveare proposales, pretend what kindenes they will. The pipe playes sweetly whilest the bird is a cachin, but your Lordship has hed suffetient experience alredy of such faire pretentions . . ." *Draft.*

The EARL OF MENTEITH to SIR JAMES GRAHAM.

1683, Aug. 22. Edinburgh.—I expected long before this time to have heard from you, although I believe you might have sent an express if you had any intention to have done any satisfactory answer to my last demands from yourself, your lady and your daughter and son-in-law.

I will no ways alter from my first resolutions in respect that I intend to raise a summons of reduction and improbation of

that disposition that I did grant to my Lord Montrose. It is absolutely necessary that you send over to me all letters that you and your lady and daughter has under his hands in relation to that once intended match betwixt your daughter and him, as also the witness of names that was privy and knew all the intrigues of that affair when he and you and she was at London; as also a declaration subscribed by yourself, your lady and your daughter and four witnesses, mentioning that my Lord Montrose did acknowledge to you that he did engage upon his faith and honour to me that he would marry your daughter Madam Helen, providing there should be a disposition betwixt him and me of a mutual tally of both our estates and honours, failing heirs male of my own body to him, and failing his heirs male to me. You must likewise send all my letters to you, your lady and daughter, which will show the judges here that it was at my Lord Montrose's desire that I did write.

I pray all of you to consider seriously of this letter, that I have written with another hand, being more legible than my own.

Upon the next page:—A further letter by way of postscript, requesting Sir James to detain the bearer until the Earl of Conway and Sir George Rawdon have been informed of the writer's demands, and stating that, in the event of these being refused, he will on no account whatever write any further letters, he having hitherto had nothing but empty promises and no help in annulling the disposition to Lord Montrose or in paying off the debts upon the estate, the least of which he himself is unable to discharge. *Signed.*

"Sir James [and Lady] Grahame's Certificate of the conditions which my Lord Montith made over his estate to my Lord Montrose on."

1683, Sept. 24.—"Whereas the Earl of Muntieth hath desired me and my wife to certify what we know of the conditions where upon my Lord Muntieth granted that disposition of his estate and honour to my Lord Marquess of Muntrose which is now disputed betwixt them, we do hereby certify whom it may concern that my Lord Munteith did write many letters to us to London whilst he was a treating with my Lord Marquess of Muntrose and after he had granted that disposition to his Lordship, to show us upon what terms he was to and did grant that disposition, which was that his Lordship was to marry our daughter to preserve the honour and estate of Munteith in the blood as well as the name, we making over to the Marquess of Muntrose our estate in the manor of Mighlogh after our death, whereof we have sent several of my Lord Muntieth's letters subscribed with our hands to them to testify the same. And some of them as particularly one of the 6th of March, 1680, we showed to my Lord Marquess of Muntrose, which mentions that my Lord Muntrose had engaged his honour to the Earl of

Muntieth for performance of such a covenant. My Lord Muntrose read that letter in our presence and said it was truth as to what my Lord Muntieth writ in it, whereupon we proceeded further in the treaty to give my Lord not only the reversion of our estate in the manor of Mighlogh, but likewise 4,050*l.* a year during our lives if we lived with my Lord and 200*l. per* [*annum*] if we did not, with which my Lord seemed to be very well satisfied till he got the signature privately past unknown to us, having engaged to us the 10th of May, 1680, not to pass it, only the regalities, till there was a full conclusion of all things, for the perfecting of which he appointed the Thursday after. But we never see his Lordship after nor heard from him till the 30th of May, 1680, that the said Isabella Graham, one of the subscribers, seeing such unhandsome dealing and being credibly informed that his Lordship was treating at the same time with the Lord Chancellor of Scotland for his daughter, who is now his present lady, writ to his Lordship to Windzer to acquaint him with what the reports of the town was, and how much she was dissatisfied with his proceedings and passing the signature privately without performing the conditions whereupon it was granted him and contrary to his engagement. Whereupon his Lordship returned his answer which is pinned to this paper, as is likewise the true copy of her letter to him. After that his Lordship sent some new propositions by Lieut. Colonel Graham that he said he did not well understand but he believed that they were rather for a breach of the match than anything else, we desired that my Lord Muntrose would send them in writing that there might be no mistake and we would answer them the same way, but my Lord never sent any, neither did we ever after either see or hear from his Lordship. And that all this is a very truth we are ready to depose. Witness our hands this 24th of Sept., 1683." *Draft.*

The Earl of Menteith to Sir James Graham, at Tradath.

1688, April 9. Isle of Monteith.—"I wrote before to you with Sir Charles Murray, but got no answer from you, concerning that bond you did assign to the last Earl of Callander, which the Duke Hamilton has, as assignee by Callander to him, which the Duke is pressing for payment thereof from me. I think it very strange that you would give up that bond, seeing they could not threaten you for it, being without this kingdom. Moreover you know that I never got a farthing from the King of those moneys in my life, and pay that sum without getting anything I think it very hard.

"And you be pleased to consider rightly the hard usage that I hath met with all along from Montrose and his friends, and most particularly concerning my Lady Rawdon your daughter. For were it not for her alone I had had never ado with Montrose in any concern at all nor with none of his family; for it was

my earnest wishes and the too earnest and real intentions that I had for her that made me meddle with that unfaithful man, who has done me many mischiefs since first I was unhappily acquaint with him. . .

"I hope . . I may have some mark of all your favours to me, for indeed the opposition and the invective rigorous dealing that I met with from the deceased Montrose and since from all his friends, who avowedly did and they does constantly [appear] my declared enemy, and in a more special manner when I obtained after a long and tedious suit a decree of divorce, which they only stop so much as lay in them. I was at no less charge in that one thing than fifty thousand marks Scots, which indeed has borne me down that I am scarce able to recover. Yet I bless God I have gotten a good and virtuous wife. . .

"It troubles me extremely that sore hurt that you received unfortunately. I presume to send you this ointment with your grandchild James Grahame, my cousin. . . I hope by your good counsel and my Lady's and my Lady your daughter's and that noble gentleman Sir Arthur Rawdon her husband will give your best advice and counsel to him in every thing, which his father and mother, my wife and I does entrust to all your wisdoms. . ." *Signed.*

The Earl of Menteith to [Isabella,] Lady Graham, at Myrone or Tradath.

1692, May 9. Edinburgh.—I presume to acquaint you of the exceeding great loss that I have met with by the death of my dear wife. I cannot grieve too much for the loss of her in whom I had all my earthly comfort on this side of time.

I am confident you will be of assistance to the bearer hereof, Mr. Alex. Bruce my brother-in-law, who is going to Ireland with his wife, a young gentlewoman of that kingdom of the name of Stewart. He is to crave what is due to his lady from her parents. I entreat you to send with him the alleged bond of relief that I gave to my dear deceased uncle Sir James Grahame, your husband. It being so long ago, I cannot remember what it is, but I am very sure it is little or no value. *Signed.*

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